

Article 7 | Overlay and Special Purpose Districts

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Sec. 7.1 General

7.1.1 Overlay Zoning Districts

As the name implies, overlay districts work in combination with underlying base district zoning regulations (R, O, B, I or M Districts) to impose additional requirements and standards on specific property. These additional standards only apply within the limits of the overlay district. Overlay zoning districts are established in accordance with the rezoning procedures applicable to any other zoning district (See Sec. 3.2).

7.1.2 Special Purpose Districts

Special purpose zoning districts are established to accommodate highly-specialized or unique uses and development types. Special purpose zoning districts are not overlay districts; they are base zoning districts. Such districts are established in accordance with the rezoning procedures applicable to any other zoning district (See Sec. 3.2).

Sec. 7.2 MC Medical-Hospital Center (Special Purpose) District

7.2.1 Description

The MC, Medical-Hospital Center District is established to provide areas for specific medical land uses and related facilities and institutions of higher learning. District development should be planned, constructed and managed on an integrated and coordinated basis.

7.2.2 Use Regulations

Uses are allowed in the MC District in accordance with the following table. A “P” in the second column of the table indicates that the use is permitted by-right, subject to compliance with all applicable standards of this Zoning Ordinance. An “S” in the second column of the table indicates that the use may be allowed if reviewed and approved in accordance with the Special Exception procedures of Sec. 3.4.

MC Uses			
Use		Use Standards	Definition
Commercial Uses			
Diagnostic Laboratories	P		Sec. 18.1.42
Offices	P		Sec. 18.1.121
Pharmacy	P		Sec. 18.1.139
Child care center	S		Sec. 18.1.29
Parking structure, private	S	Sec. 9.3.15	Sec. 18.1.135
Emergency care facility	P		Sec. 18.1.58
Institutional and Community Service Uses			
College or University	P		Sec. 18.1.33
Hospital	P		Sec. 18.1.82
Nursing School	P		
Dormitory	S		Sec. 18.1.45
College or University	P	Up to 12,000 square feet gross floor area	Sec. 18.1.33
Residential Uses			
Elderly housing	S	Maximum density not to exceed 16 dwelling units per acre	Sec. 18.1.56
Nursing home	P		Sec. 18.1.120
Utility Uses			
Public utility, major	S		Sec. 18.1.153
Public utility, minor	P		Sec. 18.1.154

7.2.3 Density/Intensity and Dimensional Standards

All development in the MC District shall be subject to the following Density/Intensity and Dimensional standards:

MC District Standards	
A. Minimum Lot Area (square feet)	
All	40,000
B. Minimum Lot Width (feet)	

Interior Lot	100
Corner Lot	100
C. Minimum Yards/Setbacks (feet)	
Front	40
Side	15 [1]
Rear	25 [1]
D. Maximum Building Height (feet)	
Residential	45
Nonresidential	45
E. Min. Zoning District Area (acres)	
	2
F. Max. Zoning District Area (sq ft)	
	None

- [1] Side and rear yard setbacks that are not adjacent to other zoning districts may be reduced if it can be demonstrated to the satisfaction of the Town Council upon recommendation from the Planning Commission that the proposed setback will facilitate a structure that is harmonious and compatible with the surrounding uses within the M-C District.

Sec. 7.3 GC Government Center (Special Purpose) District

7.3.1 Description

The GC District provides the opportunity for county and local governmental entities to locate throughout the corporate limits and establish specific site design criteria through the rezoning process which may include the architectural design, parking requirements, landscaping and buffering standards to minimize any potential intrusion on adjoining properties.

7.3.2 Use Regulations

Uses are allowed in the GC District in accordance with the following table. A “P” in the second column of the table indicates that the use is permitted by-right, subject to compliance with all applicable standards of this Zoning Ordinance. For a summary of uses permitted in all zoning districts, see the Use Table in Sec. 9.2.

GC Uses		
Use	Use Standards	Definition
Commercial Uses		
Various Uses	P [1]	
Institutional and Community Service Uses		
Government office	P	
Library	P	Sec. 18.1.89
Museum	P	Sec. 18.1.111
Park, public	P	
School, public	P	Sec. 18.1.163
Fire and/or rescue facility	P	Sec. 18.1.64
Parking structure	P	Sec. 9.3.18, Sec. 18.1.134, Sec. 18.1.135

- [1] Commercial uses such as private office, retail establishments and eating establishments without drive-in facilities are permitted on the first floor of any building as specified in the ordinance creating the particular GC district.

7.3.3 Density/Intensity and Dimensional Standards

All development in the GC District shall be subject to the following Density/Intensity and Dimensional standards:

GC District Standards	
A. Minimum Lot Area (square feet)	
All Development	40,000
B. Minimum Lot Width (feet)	
Interior Lot	100
Corner Lot	100
C. Minimum Yards/Setbacks (feet)	
Front	40 [1]
Side	15 [1]
Rear	25 [1]
D. Maximum Building Height (feet)	
Residential	NA
Nonresidential	45[2]
E. Min. Zoning District Area (acres)	
	2
F. Max. Zoning District Area (sq ft)	
	None

- [1] Front, side and rear yard setbacks may be reduced or be provided as a zero-yard setback if demonstrated to the satisfaction of the Town Council upon recommendation from the Planning Commission that the proposed setback will facilitate a structure that is harmonious and compatible with the surrounding uses.
- [2] Unless modified during the rezoning as the minimum height necessary to facilitate the proposed building.

Sec. 7.4 MA, Municipal Airport (Special Purpose) District

7.4.1 Description

The MA District provides the opportunity for the Leesburg Executive Airport to develop in conformance with the established Airport Master Plan (AMP) and Airport Layout Plan (ALP). The AMP and ALP control the physical development of the airport facilities and related parking needs of the facility, and are subject to Town Council approval and endorsement by the Virginia Department of Aviation and the Federal Aviation Administration (FAA). Accordingly, the MA District acknowledges the physical constraints of the existing airport location and the necessity of providing adequate support facilities.

7.4.2 Use Regulations

Uses are allowed in the MA District in accordance with the following table. A “P” in the second column of the table indicates that the use is permitted by-right, subject to compliance with all applicable standards of this Zoning Ordinance. An “S” in the second

column of the table indicates that the use may be allowed if reviewed and approved in accordance with the Special Exception procedures of Sec. 3.4. For a summary of uses permitted in all zoning districts, see the Use Table in Sec. 9.2.

MA Uses		
Use	Use Standards	Definition
Commercial Uses		
Accessory uses (to offices)	P Not to exceed 25 percent of the gross floor area of the building	Sec. 18.1.4
Fixed Base Operators and related aircraft basing facilities	P	
Fuel Storage and Dispensing Facilities	P	
Flight Instruction	P	
Aircraft Maintenance Services	P	
Aircraft Storage	P	
Eating Establishment (w/o Drive-In)	P Sec.9.3.9	Sec.18.1.54
Institutional and Community Service Uses		
Office	P	Sec. 18.1.121
Automated Flight Service Station	P	
Fire and/or rescue facility	P	Sec. 18.1.64
Parking structure	P Sec. 9.3.185	Sec. 18.1.134, Sec. 18.1.135

7.4.3 Density/Intensity and Dimensional Standards

All development in the MA District shall be subject to the following Density/Intensity and Dimensional standards:

MA District Standards	
A. Minimum Lot Area (square feet)	
All Development	40,000
B. Minimum Lot Width (feet)	
Interior Lot	100
Corner Lot	100
C. Minimum Yards/Setbacks (feet)	
Front	40 [1]
Side	15 [1]
Rear	25 [1]
D. Maximum Building Height (feet)	
All Development	None[2]
E. Min. Zoning District Area (acres)	
	2
F. Max. Zoning District Area (sq ft)	
	None

- [1] Front, side and rear yard setbacks may be reduced as necessary to facilitate compliance with the adopted Airport Layout Plan contained within the Airport Master Plan.
- [2] Height must comply with applicable FAA requirements.

Sec. 7.5 H-1, Overlay, Old and Historic District

7.5.1 Description

The purpose of these H-1 Overlay District regulations is to carry out the *Town Plan* goal of protecting the Old and Historic District and individual historic landmarks, not only for their own value as community resources, but also because of their contribution to the town's unique character; to encourage the protective maintenance of historic structures; to protect, enhance and perpetuate such buildings, structures, and landscape features which represent elements of the town's cultural, social, economic, political and architectural history; to stabilize and improve property values; to foster civic pride in the town's past; to protect and enhance the town's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; to strengthen the economy of the town; and to promote the use of historic districts and historic resources for the education, pleasure and welfare of the people of the town.

7.5.2 Applicability

These regulations shall apply to the H-1 Overlay District as defined in Sec. 7.5.3 and to all areas or places heretofore designated by the Town Council as historic districts or landmarks. The restrictions and requirements of this section shall be in addition to other restrictions and requirements provided in this Zoning Ordinance. The regulations of this section apply to all property, including any improvements and modifications to such property, located within the boundaries of the H-1 Overlay District.

7.5.3 Historic District Created, Established

A historic conservation district is hereby created within the town as an overlay on the Official Zoning Map under authority of Section 15.2-2306 of the Code of Virginia, 1950 as amended, to be known as the H-1 Overlay, Old and Historic District which includes the original boundaries shown on a map designated "Gray's New Map of Leesburg" drawn from the special surveys in the year 1878 as hereby amended and described as follows:

Beginning on the east at the intersection of Loudoun and Market Streets and running northeast parallel to Church Street to the intersection of a line in projection of North Street; thence northwest in a straight line to and along North Street to the intersection of Church Street; thence northeast in a straight line parallel to King Street to the intersection of a line in projection of Union Street; thence in a straight line northwest to and along Union Street to the intersection of a line in extension of Liberty Street; thence southwest in a straight line to the intersection of Liberty and North Streets; thence northwest in a straight line in extension of North Street until intersecting a line in projection of Ayr Street; thence southwest to and along Ayr Street to a point on the east right-of-way of Dry Mill Road; thence right along the curb of said right-of-way having a radius of 225.43 feet to the center of the Town Branch; thence along the Town Branch S 41° 10' 41" E to the projection of Ayr Street, thence southwest along the projection of Ayr Street 100 feet; thence in a straight line in extension of South Street southeast to Town Branch; thence S 36° 10' 42" E along Town Branch to the Washington and Old Dominion Trail; thence paralleling the trail and Town Branch 594.12 feet along a curve to the right having a radius of 3646.36 feet to the extension of the western right-of-way of Liberty Street; thence N 22° 45' 00" E to the intersection of a projection of South Street; thence in a straight line in extension of South Street southeast to a point 200 feet west of King Street, still on an extension of South Street; thence in a straight line southwest parallel to King Street to a point 500 feet south of the railroad; thence east across King Street in a straight line parallel to South Street for 1700 feet; thence northeast in a straight line

parallel to King Street to the intersection of Loudoun and Market Streets, to also include properties at 406 through 418 South King Street and 420, 422, 423, 424 and 426 through 432 South King Street; 216 and 226 Edwards Ferry Road ; 305 through 430 West Market Street; 6 Wilson Avenue, N.W., 10, 14, 18 and 102 Morven Park Road, N.W. and 9 and 21 Ayr Street, N.W. and 302-334 Loudoun Street, S.W. (inclusive of even numbered addresses only), 106 Morven Park Road, N.W., 380 Rock Spring Drive, S.W., 329 Loudoun Street, S.W., the 8.05-acre Allman tract on South King Street, Dodona Manor at 217 Edwards Ferry Road, N.E., and the 16.24-acre Paxton Property (Carlheim) at 420 Wildman Street, N.E.

7.5.4 Public Meetings Required

The Board of Architectural Review shall meet at least once monthly to consider applications for Certificate of Appropriateness. The meeting of the Board of Architectural Review shall be open to the public and a full and impartial hearing shall be granted to the applicant and to any other interested parties.

7.5.5 Certificate of Appropriateness

Within the H-1 Overlay District, no building or structure (defined for the purposes of this section as anything man-made, including but not limited to outbuildings, fences, walls, lamp posts, light fixtures, signs, signposts, driveways, walkways and paving) shall be altered in any of the following ways unless a Certificate of Appropriateness has been issued by the Board of Architectural Review in accordance with the procedures of Sec. 3.10), or by the Preservation Planner in accordance with Sec. 7.5.6. The regulations below apply to both public and private structures and facilities.

- A. Site Improvements.** Including but not limited to removal, enlargement, or reconstruction of: driveways, walkways, and other paving; lampposts and landscape lighting; fences and walls; gazebos and pergolas. Not to include plant materials or installation of movable, non-permanent play equipment.
- B. Exterior Modification of Existing Buildings and Structures.** Including, but not limited to: the removal, replacement, or addition of windows, doors, and chimneys; the alteration of porches and decks; the alteration or addition of commercial storefronts on existing buildings and changes to exterior paint and color. Exterior paint and color shall not include painted murals as reviewed by the Leesburg Commission on Public Art under the Public Art Policy in accordance with the Leesburg Public Art Guidelines. Not to include routine maintenance as defined in Sec. 7.5.9.A Routine Maintenance Exclusion.
- C. Additions to Existing Buildings and Structures.** Including, but not limited to: the construction of new porches and decks; the expansion of the square footage so that it increases the height or the footprint of the existing structure. The following structure is exempt from review by the Board of Architectural Review or the need for a Certificate of Appropriateness when not visible from the street as determined by the Zoning Administrator: An at grade platform deck not exceeding twelve (12) inches in height, no less than two (2) feet from the side and rear property lines, not exceeding two hundred (200) square feet in area, without footers for support but supported by the ground only and located in the rear yard only.
- D. New Construction.**

E. Demolition and Relocation of Existing Buildings and Structures, in whole or in part.

F. Signs. In accordance with Section 15.14

7.5.6 Administrative Approval of Certificate of Appropriateness

A. Lighting, Fences, Paving and Color. The Preservation Planner shall have the authority to issue a Certificate of Appropriateness for alterations to existing or installation of new lampposts, light fixtures, fences, driveways, residential walkways or changes in existing exterior color schemes. If the Preservation Planner determines the application may not be in conformance with the Old and Historic District Design Guidelines, the application shall be forwarded to the Board for consideration at the applicant's request.

B. Signs. The Preservation Planner shall have authority to issue a Certificate of Appropriateness for applications that request approval for signs that conform to the criteria as established in the in the Old and Historic District Sign Guidelines in the section titled "Administrative Approval Criteria for Signs in the Old and Historic District". In the event the Preservation Planner determines that the sign does not conform to said guidelines the application shall be forwarded to the Board for consideration at the applicant's request.

C. Modifications to Existing Structures. The Preservation Planner shall have the authority to issue a Certificate of Appropriateness for the following modifications to existing structures: like-kind replacement of roof materials, the installation of storm windows and doors and the replacement or installation of new shutters.

D. Change of Plans after Issuance of Permit. Any change in the approved plans subsequent to the issuance of a Certificate of Appropriateness shall be promptly submitted to the Preservation Planner prior to construction of the modified feature. The Preservation Planner may administratively approve the following modifications: (a) change in the color of brick selected for a project; (b) change in the profile of door and window moldings; (c) change in the type of siding used in a small area, which does not exceed ten percent (10%) of the total area of a building; and (d) change in the style of a door or window. A report of administrative approvals shall be made to the Board of Architectural Review at its next meeting.

7.5.7 Brick Sidewalk Requirement

For all construction requiring the installation or replacement of public sidewalks, the surface material of the sidewalk must be made of medium to dark red machine-molded (no wire-cut) brick.

7.5.8 Demolition Applications

A. Board's Authority to Review Certificate of Appropriateness for Demolition. No historic landmark, building or structure subject to the provisions of this section shall be demolished until its owner has applied for and received a Historic District Demolition Permit from the Board of Architectural Review pursuant to the procedures of Sec. 3.10, except as otherwise expressly provided in Sec. 7.5.8D.

- B. Demolition Defined.** Any removal of forty percent (40%) or more of the total exterior wall or roof surface of any building shall require a Certificate of Appropriateness approved in accordance with the requirements of this section. Any removal of less than forty percent (40%) of the exterior wall or roof surface of a building shall be considered an alteration and requires a Certificate of Appropriateness in accordance with the provisions of Sec. 7.5.5
- C. Consideration of Post-Demolition Plans.** The Board of Architectural Review shall consider, and applicants shall be required to provide, for all principal structures to be demolished, post-demolition plans for any site governed by this article and the appropriateness of such plans to the architectural character of the district.
- D. Demolition Delay Period.** The owner of a building or structure, the demolition of which is subject to the provisions of this section, shall, as a matter of right, be entitled to demolish such building or structure provided that:
1. The owner has applied to the Board of Architectural Review for such a right.
 2. The owner has for a period of time set forth in the time schedule set forth in Sec. 7.5.8D.3, and at a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure, and the land pertaining thereto, to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it will preserve and restore the building or structure and the land pertaining thereto.
 3. No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period as set forth in the time schedule below. Any appeal which may be taken to the court from the decision of the Town Council shall not affect the right of the owner to make a bona fide offer to sell. Offers to sell as provided in subsection 7.5.8D.2 shall be made within one (1) year of the date of a final decision by the Town Council. The time schedule for offers to sell shall be as follows:

Property Valued At	Minimum Offer To Sell Period
Less than \$25,000	3 months
\$25,000 but less than \$40,000	4 months
\$40,000- but less than \$55,000	5 months
\$55,000- but less than \$75,000	6 months
\$75,000- but less than \$90,000	7 months
\$90,000 or more	12 months

- E. Board of Architectural Review Activities While Action on Demolition Permit Suspended.** During the demolition delay period set forth above in Sec. 7.5.8D., the Board of Architectural Review may take such steps as it deems necessary to preserve the buildings or structures concerned, in accordance with the purposes of these regulations. Such steps may include, but are not limited to, consultation with civic groups, public agencies and interested citizens, recommendations for

acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.

F. Owner Required to Make Bona Fide Offer to Sell During Delay Period.

Before making a bona fide offer to sell the owner shall first file a statement with the Town Council. That statement shall identify the property, state the offering price, the date the offer of sale is to begin and name and addresses of listing real estate agents, if any. The statement shall provide assurances that the building or structure shall be preserved and/or restored, as appropriate. No time period set forth in the time schedule contained in Sec. 7.5.8 shall begin to run until the statement has been filed.

7.5.9 Maintenance of Historic Properties

A. Routine Maintenance Exclusion. Nothing in this article shall be construed to prevent the routine maintenance or repair of any exterior elements of any building or structure so long as there is no change in design or materials.

B. Protective Maintenance Requirement.

1. Purpose. Pursuant to Section 15.2-2306 of the Code of Virginia, 1950, as amended, the purpose of this section is to prevent the demolition by neglect of any building or structure by permitting permanent damage by weather or vandalism.
2. Intent. The intent of this section is to ensure that the owner of any building or structure subject to the provisions of this section shall keep such building or structure properly maintained and repaired in accordance with this section, the provisions of the state building code and housing code and the provisions of Article I Section 11-38 of the Town Code.
3. Degree of Maintenance Required. The degree of maintenance and repair hereby required is that degree sufficient to prevent damage to the structural components and/or the exterior that would cause the collapse of the structure or that would cause the building to become so deteriorated as to prevent its repair and preservation. Acts which the owner may be required to perform pursuant to this paragraph shall include the following: securing the building or structure by boarding up doors and windows; stabilizing walls, roofs and other parts of the building or structure; providing positive drainage from the structure; and termite treatment.
4. Enforcement. The Board of Architectural Review shall request a meeting with an owner when a property is in a seriously deteriorated condition and the Board of Architectural Review shall discuss with the owner ways to improve the condition of the building or structure. After this step the Board of Architectural Review may request the Zoning Administrator to investigate further the condition of such building or structure and to make a determination within fourteen (14) days of violations of this Zoning Ordinance. Upon finding that a building is in a seriously deteriorated condition which threatens its preservation, the Zoning Administrator shall notify the owner in writing and shall identify specific repairs and work necessary to comply with the provisions of this section. The owner shall have ninety (90) days from written notification to complete necessary repairs and work identified by the Zoning

Administrator. Failure to complete the necessary repairs and work within ninety (90) days shall constitute a violation of this Zoning Ordinance.

7.5.10 Designation of Historic Districts and Landmarks

The H-1 Overlay District may be enlarged and new historic districts and individual landmarks may be established upon recommendation of the Board of Architectural Review and adoption by the Town Council.

- A. Preliminary Research.** The Board of Architectural Review shall undertake to establish and maintain a list of structures, sites and areas having historical, architectural or aesthetic interest or value.
- B. Recommendation of Historic Districts and Landmarks.** The Board of Architectural Review may recommend to the Town Council the initiation of a Zoning Ordinance amendment to designate landmarks and historic districts from the list established under Sec. 7.5.10.A for preservation and protection.
 - 1. Criteria for Selection.** When applying for nomination as a Local Historic District or Local Historic Landmark, the applicant shall supply documents or other evidence showing that the property(s) or structure(s) under consideration meets one or more of the following criteria defining Local Historic Districts or Local Historic Landmarks:
 - a.** Its character, interest or value as part of the historic development, heritage, or cultural characteristics of the community, county, state or country; or
 - b.** Its location as a site of a historically significant local, county, state or national event; or
 - c.** Its identification with a person or persons or entities who significantly contributed to the historic development of the community, county, state or country; or
 - d.** Its embodiment of distinguishing characteristics of a historic architectural style valuable for the study of a period, type, method of construction, or use of materials; or
 - e.** Its identification as the work of a master builder, designer, architect or landscape architect whose individual work has influenced the historic development of the community, county, state or country; or
 - f.** Its embodiment of elements of design, detailing, materials or craftsmanship that render it significant to the architectural heritage of the community; or
 - g.** Its character as a particularly fine or unique example of an historic utilitarian structure, including, but not limited to, farmhouses, gas stations or other commercial structures, with a high level of integrity or architectural significance; or
 - h.** It is listed in the National Register of Historic Places and/or the Virginia Landmarks Program.
 - 2. Application for Designation.** Designations may be initiated by resolution of the Town Council upon recommendation of the Board of Architectural Review or on the application of the owner(s) of the property to be designated or their authorized agents, or on the application of any historic, civic or professional society or organization with a recognized interest in historic preservation.

When the application has not been made by the owner, the owner shall be given written notice of the designation under consideration.

3. Moratorium on Alteration or Demolition While Designation Pending. No applications for a zoning permit to construct, alter or demolish any structure or other feature on a landmark site or in a historic district, filed subsequent to the day that an application has been filed or a resolution adopted to initiate designation of the said landmark site or historic district, shall be approved by the Zoning Administrator while proceedings are pending on such designation; provided, however, that after ninety (90) days have elapsed from the date of initiation of said designation, if final action on such designation has not been completed, the permit application may be approved.

7.5.11 Violations

The enforcement of the provisions of this section shall be the responsibility of the Zoning Administrator or the Zoning Administrator's designee. The Zoning Administrator shall take the necessary legal steps to stop work that is being performed without a Certificate of Appropriateness. Any violation of these regulations is a civil violation as provided in Sec. 17.2.2.

Sec. 7.6 H-2, Historic Corridor Architectural Control Overlay District

7.6.1 Description

The purpose of these historic corridor regulations is to implement the *Town Plan* goal of ensuring quality urban design compatible with Leesburg's historic, architectural and tourist resources through architectural control along the town's arterial routes to the H-1 Overlay District. The protection of these vital corridors which form the traditional gateways to Leesburg's historic district will stabilize and improve property values; protect and enhance the town's attraction to tourists and visitors; and will support and stimulate complimentary development appropriate to the prominence afforded properties contiguous to Leesburg's major arterial routes. Benefits attributable to the promotion of superior design and appearance of structures constructed and altered along the town's arterial highways will ultimately promote the public health, safety and general welfare of the citizens of the town.

7.6.2 District Created

The H-2, Historic Corridor Architectural Control District is hereby established as an overlay on the Official Zoning Map under authority of Section 15.2-2306 of the Code of Virginia, 1950, as amended, to be known as the H-2 Overlay District with boundaries to include all or parts of parcels, exclusive of the H-1 Overlay District, within 1,000 linear feet of the right-of-way centerline along Route 7 from the east corporate limit to the Route 7/15 by-pass; 300 linear feet from the right-of-way center line along Route 7, west from the western boundary of the H-1 Overlay District to the west corporate limits, and 500 linear feet of the right-of-way centerline of Route 15 from the north corporate limits to the southern corporate limits excluding parcels 231-17-2346; 231-17-0408; 231-17-6450; 231-17-9342; and all properties within 500 feet of the center line along the east side of S. King Street from Fairfax Street, SE to the Route 7/15 by-pass

7.6.3 Applicability

Unless otherwise expressly exempted, the regulations of this section shall apply to all lots and parcels and to all structures upon such lots or parcels within the boundaries of the H-2

Overlay District as defined in Sec. 7.6.2. If any part of a structure to be erected, altered or restored is located on a lot or parcel that is within these boundaries the entire structure shall be governed by this section, unless (1) the entire structure itself is located outside the H-2 Overlay District boundaries and (2) the structure will not be visible from any public right-of-way. Applicants may also proffer compliance with the H-2 Overlay District standards. The regulations of this section apply to all property, including any improvements and modifications to such property, within the boundaries of the H-2 Overlay District.

7.6.4 Certificates of Approval

- A. Applicability.** Unless otherwise expressly exempted, no structure, building, or sign located on land shall be erected, reconstructed, altered or restored on property subject to the H-2 Overlay District standards of this section until the plans for such shall have been approved by the Board of Architectural Review in accordance with the Architectural Control Certificate of Approval procedures of Sec. 3.11.
- B. Exemptions.** The provisions of this section shall not apply to any of the following:
 - 1. the regular maintenance of structures, buildings, or signs (as opposed to the reconstruction, alteration or restoration).
 - 2. single-family detached dwellings;
 - 3. attached dwellings (including townhouses and duplexes); or
 - 4. construction within approved Planned Development Districts.
- C. Definitions.** For the purposes of this section, changing the exterior color and/or materials of a structure, building or sign shall be deemed an alteration and not regular maintenance. For the purposes of this section a structure shall also include, but not be limited to outbuildings, fences, walls, lamp posts and light fixtures.

7.6.5 Demolition Applications

No historic landmark, building or structure subject to the provisions of this section shall be demolished until its owner has applied for and received an Architectural Control Certificate of Demolition from the Board of Architectural Review pursuant to the procedures of Section 3.11.3, except as otherwise expressly provided in Sec. 7.5.8D.F.

7.6.6 Public Meetings Required

The Board of Architectural Review shall meet at least once monthly to consider applications for Certificates of Appropriateness. The meetings of the Board of Architectural Review shall be open to the public and a full and impartial hearing shall be granted to the applicant.

7.6.7 Design Criteria

The Board of Architectural Review shall find that the application meets all of the following standards and criteria stated below in approving applications filed under this section. These standards and criteria are further defined in the H-2 Corridor Design Guidelines, dated January 23, 1990, which are hereby adopted and shall be used by the Board of Architectural Review in evaluating Certificates of Appropriateness.

- A. Whether or not the proposed external architectural features, represented by the general design and arrangement, texture, color, line, mass, dimension, material and lighting reflect desirable design for the Town of Leesburg.
- B. Whether or not the proposed structure, building or improvement is compatible with well designed structures, acceptable to the Board of Architectural Review in the vicinity of the proposed structure.
- C. Whether or not proposed freestanding buildings use the same or architecturally harmonious materials, color, texture and treatment for all exterior walls; and in the case of partially freestanding buildings, whether or not the same or architecturally harmonious materials, color, texture and treatment are used on all portions of all exterior walls.
- D. Whether or not the combination of architectural elements proposed for a structure, building or improvement, in terms of design, line, mass, dimension, color, material, texture, lighting, landscaping, roof line and height conform to accepted architectural principles for permanent buildings reflecting the character of Leesburg, as contrasted with engineering standards designed to satisfy safety requirements only.
- E. Whether or not the proposed structure, building or improvement, in terms of design, material, texture, color, lighting, landscaping, dimension, line, mass roof line and height, is designed to serve primarily as an advertisement or commercial display, exhibits exterior characteristics likely to deteriorate rapidly, would be of temporary or short-term architectural or aesthetic acceptability, or would otherwise constitute a reasonable foreseeable detriment to the attractiveness and stability of the town's historic arterial corridors.

7.6.8 No Architectural Style to be Required

The Board of Architectural Review (and on appeal, Town Council) shall not adopt or impose any specific architectural style in the administration of this section.

Sec. 7.7 A-1, Airport Overlay District

7.7.1 Description

The purpose of the Airport Overlay District is to regulate and restrict the height of structures, objects or natural growth, regulate the locations of noise sensitive uses, and otherwise regulate the use of property in the vicinity of the Leesburg Executive Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; providing for enforcement; and imposing penalties. Accordingly, it is declared:

- A. That it is necessary in the interest of the public health, safety, and general welfare, to prevent obstructions that are hazards to air navigation;
- B. That it is necessary in the interest of the public health, safety, and general welfare, to avoid noise-related problems associated with aircraft using the Leesburg Executive Airport;
- C. That the creation or establishment of an obstruction has the potential for being a public nuisance and may injure the area served by the airport; and

- D. That the Town of Leesburg derives economic development and enhanced interstate commerce from the Leesburg Executive Airport which are held strictly to the highest possible safety standards.

7.7.2 Applicability

The regulations of this section (Sec. 7.7) shall apply to all areas designated on the Airport Safety District Map and the Airport Noise Overlay Map within the corporate limits of the Town of Leesburg.

7.7.3 Definitions

The definitions of this section shall be used solely for the purpose of interpreting and administering the A-1 District regulations of this section. If the definitions of this section conflict with other definitions of this Zoning Ordinance, the definitions of this section shall control.

- A. **“Administrator”** The Town of Leesburg's Zoning Administrator.
- B. **“Airport”** Leesburg Executive Airport.
- C. **“Airport Elevation”** The highest point on any usable landing surface expressed in feet above mean sea level.
- D. **“Approach Surface”** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface, and at the same slope as the approach zone height limitation slope set forth in Sec. 7.7.5. In the Airport Safety Zone Map, the perimeter of the approach surface coincides with the perimeter of the approach zone.
- E. **“Approach, Transitional, Horizontal, and Conical Zones”** The airspace zones as set forth in Sec. 7.7.4.
- F. **“Board of Zoning Appeals”** Refers to the Board of Zoning Appeals of the Town of Leesburg.
- G. **“Conical Surface”** A surface extending horizontally twenty feet for every foot vertically from the periphery of the horizontal surface.
- H. **“Hazard to Air Navigation”** An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have substantial adverse effect on the safe and efficient utilization of navigable airspace in the Commonwealth.
- I. **“Height”** For the purpose of determining the height limits in all zones set forth in this Zoning Ordinance and shown on the Airport Safety District Map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.
- J. **“Horizontal Surface”** A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
- K. **“Ldn”** The symbol for “yearly day-night average sound level”, which means the average daily sound level (based on a 365-day average), in decibels, for the period from midnight to midnight, obtained after the addition of ten decibels to sound levels for the periods between 10 p.m. and 7 a.m., local time.

- L. “45 db(A) Ldn”** The symbol for the required level of noise attenuation in residential structures constructed within the area between airport noise contour 60 and airport noise contour 65, meaning a required yearly interior day-night average sound level of 45 decibels or less.
- M. “Leesburg Airport Commission”** An advisory commission appointed by the Leesburg Town Council whose responsibilities include, but are not limited to land acquisition, construction, improvement, maintenance and operation of the Leesburg Executive Airport.
- N. “Nonconforming Use”** Any existing or new structure or object of natural growth which is inconsistent with the provisions of this Zoning Ordinance or any amendment to this Zoning Ordinance.
- O. “Obstruction”** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in Sec. 7.7.5.
- P. “Person”** Any individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity. The term includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- Q. “Primary Surface”** A surface, with a specified width as provided in Sec. 7.7.4, longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- R. “Runway”** A specified area on an airport prepared for landing and takeoff of aircraft.
- S. “Structure”** Any object, including a mobile object, constructed or installed by any person, including but not limited to buildings, towers, cranes, smokestacks, earth formations, towers, poles and electric lines of overhead transmission routes, flag poles, and ship masts.
- T. “Transitional Surfaces”** Surfaces which extend outward perpendicular to the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.
- U. “Vegetation”** Any object of natural and/or planted growth.
- V. “Zone”** All areas provided for in Sec. 7.7.4, generally described in three dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces found in Sec. 7.7.5.
- W. “Zoning Permit”** A document issued by Town of Leesburg allowing an activity that may result in structures or vegetation which exceed the height limitations provided for in this Zoning Ordinance.

7.7.4 Airport Safety Zones

In order to implement the provisions of this Zoning Ordinance, four zones are established which include the area and airspace of the Town of Leesburg lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Leesburg Executive Airport. These zones are established as overlay zones, superimposed over the existing zoning districts, being more specifically zones of airspace that do not affect the uses and activities of the zoning district except as provided for in Sec. 7.7.6. An area located in more than one of the following zones is considered to be only in the zone with the most restrictive height limitation. These zones are as follows:

- A. “Airport Zone”** A zone that is centered about the runway and primary surface, with the floor set by the horizontal surface.
- B. “Approach Zone”** A zone that extends away from the runway ends along the extended runway centerline, with the floor set by the approach surfaces.
- C. “Transitional Zone”** A zone that fans away perpendicular to the runway centerline and approach surfaces, with the floor set by the transitional surfaces.
- D. “Conical Zone”** A zone that circles around the periphery of and outward from the horizontal surface, with the floor set by the conical surface.

7.7.5 Airport Safety Zone Height Limitations

- A.** Except as otherwise provided in this Zoning Ordinance, in any zone created by this Zoning Ordinance no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface, known as the floor, of any zone provided for in Sec. 7.7.4 at any point.
- B.** The specific geometric standards, height restrictions, or floors, for the individual zones shall be those planes delineated as surfaces in Part 77.25, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations. The official map which depicts the Airport Safety Zones height restrictions shall be maintained by the Zoning Administrator.

7.7.6 Use Regulations

Notwithstanding any other provisions of this Zoning Ordinance, and within the area below the horizontal limits of any zone established by this Zoning Ordinance, no use may be made of land or water in such a manner as to:

- A.** Create electrical interference with navigational signals or radio communication between the airport and airborne aircraft;
- B.** Diminish the ability of pilots to distinguish between airport lights and other lights;
- C.** Result in glare in the eyes of pilots using the airport;
- D.** Impair visibility in the vicinity of the airport;
- E.** Create the potential for bird strike hazards; or
- F.** Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

7.7.7 Nonconforming Uses

- A.** Except as expressly provided in this section, the regulations prescribed by this Zoning Ordinance shall not require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the regulations as of [Insert Effective Date], or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this Zoning Ordinance shall require the removal, lowering, or other change or alteration of any structure which construction was begun prior to [Insert Effective Date], and is in the process of being diligently pursued toward completion.
- B.** Notwithstanding the provisions of the preceding paragraph “A,” the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, the Leesburg Airport Commission, or the Zoning Administrator to indicate to operators of aircraft the presence of that airport obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the airport owners, and not the owner of the nonconforming structure in question.

7.7.8 Zoning Permits

- A.** Except as expressly provided in this section, no structure shall be erected or otherwise established in any zone created by this Zoning Ordinance unless a zoning permit issued by the Zoning Administrator shall have been applied for and granted. Each application for a zoning permit shall indicate the purpose for which desired, and provide sufficient geometric specificity to determine if the structure will conform to the regulations prescribed in this Zoning Ordinance. No zoning permit for a structure inconsistent with this Zoning Ordinance shall be granted unless a variance has been approved in accordance with all applicable regulations.
- B.** No zoning permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on [Insert Effective Date] or any amendments thereto other than with a variance as provided for in Sec. 7.7.8D.
- C.** Whenever the Zoning Administrator determines that a nonconforming structure has been abandoned or more than fifty percent (50%) destroyed, physically deteriorated, or decayed, no zoning permit shall be granted that would enable such structure to be rebuilt, reconstructed, or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the regulations contained in this Zoning Ordinance, except with the relief as provided for in Sec. 7.7.8D.
- D.** Any person desiring to erect or increase the height or size of any structure not in conformance with the regulations of this Zoning Ordinance may apply for a variance from the Board of Zoning Appeals, in accordance with the procedures set out in Sec. 3.13, if accompanied with a recommendation from the Leesburg Airport Commission. The Airport Commission shall consider the effect of the proposal on the operation of air navigation facilities, and determine whether the

safe and efficient use of navigable airspace is impeded. The issuance of zoning permits by the Zoning Administrator may be subject to a final determination from the Virginia Department of Aviation that the safety of the airport is not impaired.

- E. Any zoning permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Zoning Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, Leesburg Airport Commission, or the Zoning Administrator. If deemed proper with reasonable cause by the Board of Zoning Appeals, this condition may be modified to require the owner of the structure in question to permit the airport owner, at the owner's own expense to install, operate, and maintain the necessary markings and lights.

7.7.9 Airport Noise Overlay District Boundaries

The Airport Noise Overlay District boundaries shall be based on the Ldn 60 and 65 noise contours and an area that extends one (1) mile beyond the Ldn 60 contours. The Town shall use as a basis for delineating the Ldn noise contours the Leesburg Municipal Airport Environmental Assessment Report dated October, 1985. For the purpose of administering these regulations the Airport Noise Overlay District shall have the following three (3) components:

- A. Ldn 65 or higher aircraft noise contour;
- B. Ldn 60 to 65 aircraft noise contours; and
- C. One-mile buffer area, measured from outside the Ldn 60 aircraft noise contour.

7.7.10 Disclosure Statements

A disclosure statement shall be placed on all subdivision plats, site plans and deeds required for subdivision or site plan approval for any parcel or development within the Airport Noise Overlay District, identifying any lot which is located within the Airport Noise Overlay District. The statement must also identify the component of the District in which the lot is located.

7.7.11 Airport Noise Overlay Use Limitations

In addition to the regulations for the zoning district over which an Airport Noise Overlay District is located, and in addition to the restrictions of the Airport Safety Zones set out in Sec. 7.7.4, the following use limitations shall apply within the Airport Noise Overlay District:

- A. **Ldn 65+.** In aircraft noise contours Ldn 65 or higher, residential dwellings shall not be permitted. However, new dwelling units and additions to existing dwellings may be permitted provided that:
 - 1. The lot was recorded or had record plat approval prior to the adoption of this Ordinance; and
 - 2. The new dwelling unit or addition complies with the acoustical treatment requirements for residential districts set forth in the Virginia Uniform Statewide Building Code.
- B. **Ldn 60 to 65 Contours.**

1. **Disclosure Statement.** A disclosure statement shall be required for all residential dwelling units to be constructed between the Ldn 60 to 65 aircraft noise contours. The subdivider or developer shall disclose in writing to all prospective purchasers that they are located within an area that will be affected by aircraft over-flights and aircraft noise. Such notification will be accomplished by inclusion of this information in all Homeowner Association Documents, and by inclusion on all subdivision plats and site plans, and within all deeds required for subdivision or site plan approval.
 2. **Acoustical Treatment.** For all residential units located between the Ldn 60 to 65 aircraft noise contours, a subdivider or developer shall incorporate acoustical treatment into all dwelling units to insure that interior noise levels within living spaces (not including garages, sunrooms or porches) do not exceed an average noise level of 45 db(A) Ldn. Compliance with this standard shall be based upon a certification from an acoustical engineer licensed in the Commonwealth of Virginia, submitted at the time of zoning permit issuance, that the design and construction methods and materials to be used in the dwelling are such that the foregoing standard will be met, assuming exterior noise levels between Ldn 60 to 65.
- C. **One Mile Buffer Area.** A disclosure statement shall be required for all residential dwelling units to be constructed outside of, but within one (1) mile of the Ldn 60 aircraft noise contour. The subdivider or developer shall disclose in writing to all prospective purchasers that they are located within an area that will be affected by aircraft over-flights and aircraft noise. Such notification will be accomplished by inclusion of this information in all Homeowner Association Documents, and by inclusion on all subdivision plats and site plans, and within all deeds required for subdivision or site plan approval.

Sec. 7.8 NAC, Noise Abatement Corridor Overlay District

7.8.1 Description

The NAC, Noise Abatement Corridor Overlay District regulations of this section are intended to mitigate the potential adverse effects of roadway noise on residential properties adjacent to major roadways.

7.8.2 Applicability

The NAC District regulations of this section shall apply to all land within 300 feet of the centerline of the following roadways:

- A. Dulles Greenway;
- B. Route 7/15 Bypass;
- C. East Market Street from the Route 7/15 Bypass east to the Town of Leesburg Corporate limits;
- D. Battlefield Parkway (planned 6-lane portions only);
- E. Route 15 south of the Route 7/15 Bypass.

7.8.3 Standards

Development within the NAC District shall be subject to the Noise Abatement standards of Sec. 7-380 of the Town's Design and Construction Standards Manual.

Sec. 7.9 Noise Limitations and Enforcement

7.9.1 Standards

It shall be unlawful for any person to operate or permit to be operated any stationary noise source in such a manner as to create a sound level which exceeds the limits set for in the following tables.

7.9.2 Methods of Measurement

- A. Noise levels shall be measured with a sound meter that shall meet or exceed performance standards for a "Type Two" meter, as specified by the American National Standards Institute.
- B. Noise levels shall be recorded as A-weighted sound pressure level. The level so read, shall be post scripted dBA.

7.9.3 Maximum Sound Levels (dBA)

Measurements of noise levels shall be taken at the property boundary of the noise source. Where differing zoning districts abut, the more restrictive limit shall apply.

A. Maximum dBA, Continuous Noise.

Residential 55	(R-E, R-1, R-2, R-4, R-6, R-HD, R-8, R-16, R-22, PRN and PRC)
Commercial 65	(O-1, O-2, B-1, B-2, B-3, B-4, PEC, MC and GC)
Industrial 70	(I-1, I-2 and M-1)

B. Maximum dBA, Impact Noise.

Residential 60	(R-E, R-1, R-2, R-4, R-6, R-HD, R-8, R-16, R-22, PRN and PRC)
Commercial 70	(O-1, O-2, B-1, B-2, B-3, B-4, PEC, MC and GC)
Industrial 80	(I-1, I-2 and M-1)

Impact noise shall be measured using the fast meter response of the sound level meter. Impact noises are intermittent sounds of a single pressure peak or a single burst (multiple pressure peaks) for duration usually less than one second. Examples of impact noise sources are a punch press, drop forge hammer or explosive blasting.

7.9.4 Exemptions

- A. The limitations stated above shall not apply within the Municipal Airport (MA) Zoning District or any area subject to the Noise Contours associated with the Leesburg Executive Airport.
- B. Sound created by the operation of power equipment, such as power lawn mowers, chain saws, weed-trimmer and similar equipment, between the hours of 7:00 a.m. and 9:00 p.m. shall not be regulated by these noise standards.

- C. Air conditioning units on residential lots with less than a ten-foot (10') side yard shall be measured at the front or rear property line.

Sec. 7.10 Crescent Design (CD) District

7.10.1 Description

- A. **Purpose.** The purpose of the Crescent Design District is to implement the Town Plan and the Crescent District Master Plan by doing the following:
 - 1. Set the stage for the long-term redevelopment of the District in an urban pattern and form.
 - 2. Provide community stakeholders a reasonable expectation of how the District will look and function in the future.
 - 3. Create a District that respects the character of Leesburg's historic downtown while providing a transition to more automobile-oriented parts of the community.
 - 4. Develop a setting for a true mixture of uses that recognizes Leesburg's role as a center of retail, office, and residential uses for Loudoun County.
- B. **Goals.** The Crescent Design District provides specific standards to achieve the following:
 - 1. Develop a fully integrated, mixed-use, pedestrian-oriented environment with buildings that contain commercial, residential and office uses.
 - 2. Create a synergy of uses within the Crescent Design District to support economic development and redevelopment in accordance with the recommendations of the Town Plan and the Crescent District Master Plan.
 - 3. Minimize traffic congestion, inefficient surface parking lots, infrastructure costs and environmental impacts by promoting a compact, mixed-use, pedestrian-friendly district.
 - 4. Regulate building height and placement to achieve appropriate scale along streetscapes and ensure proper transition to nearby residential neighborhoods.
 - 5. Establish clear controls on building form and placement to frame a well-defined public realm comprised of human-scale streets, neighborhoods and public spaces, all of which contribute to creating a safe, comfortable and livable environment.

7.10.2 Applicability

- A. **District Established.** The form-based Crescent Design District is hereby established on the Official Zoning Map under authority of Section 15.2-2306 of the Code of Virginia, 1950, as amended, to be known as the Crescent Design (CD) District. The CD District is hereby designated as an architectural control district, as authorized in the Town Charter amendment dated January 29, 2007.
- B. **Provisions not addressed.** All provisions of the Zoning Ordinance not specifically addressed by the provisions of the CD District shall be applicable.

C. Conflict with Zoning Ordinance Regulations. The provisions of the CD District, when in conflict with other articles of the Zoning Ordinance, shall take precedence.

D. Architectural Overlay District Applicability

1. H-1 District Applicability. The H-1, Overlay, Old and Historic District regulations, guidelines and approval requirements shall apply in the CD District to those properties designated H-1.

2. H-2 District Applicability. The H-2, Historic Corridor Architectural Control Overlay District regulations, guidelines and approval requirements shall not apply in the CD District except as described in Sec. 7.10.2.I below.

E. Floodplain and Creek Valley Buffer. All provisions of Article 13 Flood Protection and all provisions of Article 14 Creek Valley Buffer relating to Tuscarora Creek shall apply to property within the CD District.

F. Proffered Rezoning. Properties subject to proffered rezonings approved prior to March 1, 2013, the effective date of this section shall comply with the approved rezoning. However, the property owner may apply for a new rezoning consistent with the CD District regulations.

G. Applicability. Except for existing proffered rezonings as noted above, new uses, structures, and lots and streets that are created after the effective date of this section shall be subject to the requirements of the CD District.

H. Development Application Standards. Development applications within the CD District shall follow:

1. By-Right Applications.

a. Requirements. For subdivision and site plan applications, the approval process requirements and the required contents of Divisions 2 and 3 of the Subdivision and Land Development Regulations. In addition, the required contents of site plans shall include information necessary for the Zoning Administrator to ensure compliance with Secs. 7.10.5 Site Requirements; 7.10.6 Building Type Specifications; 7.10.7 Building Material and Other Requirements; 7.10.11 Streetscape Requirements; and 7.10.12 Modifications.

b. Pre-Application Conference. Prior to filing an application, the applicant shall meet with representatives from the Department of Plan Review and the Department of Planning and Zoning to discuss the requirements and nature of the proposal. For this conference, the applicant must provide a sketch plan of the proposed use drawn to scale, showing the general layout of the development and the relationship of the surrounding area. This sketch plan shall be submitted at least a week before the date of the pre-application conference. The results of the meeting shall be documented and distributed to the applicant and participating staff.

2. Legislative Applications. For special exception or rezoning applications, the applicable requirements of Article 3 Review and Approval Procedures shall be followed.

- I. Nonconformities.** Existing uses, structures (other than signs, walls and fences) and lots that do not conform to the requirements of the CD District shall be subject to the regulations of Article 16 Nonconformities, except that the following provisions shall apply instead of Sec. 16.3 Nonconforming Structures:
 - 1. Expansion.** Any expansion of a nonconforming structure greater than ten percent (10%) of the gross area of the existing building shall require the entire structure to meet the requirements of the CD District. For the purposes of this section:
 - a.** Only one expansion of each nonconforming structure up to ten percent (10%) of the gross area of the existing building shall be permitted. Any subsequent expansion shall require compliance with the CD District regulations.
 - b.** Any expansion up to the ten percent (10%) threshold may follow the zoning regulations in effect on March 1, 2013, the time the CD District was adopted, including use regulations.
 - c.** Façade alterations or expansions to existing buildings that were within the boundaries of the H-2, Historic Corridor Architectural Control Overlay District at the time of adoption of the CD District shall comply with building elements specifications of Sec. 7.10.6 Building Type Specifications and Sec. 7.10.7 Building Material and Other Requirements.
 - d.** Repair and maintenance work shall be exempt without regard to Sec. 7.10.1.1, above; such exempt activities include roof replacement, window replacement and maintenance, mechanical and electrical upgrades, interior fit out (tenant improvement work), parking resurfacing and other site work, such as stormwater improvements, landscaping, and site amenities.
 - 2. Destruction.** A structure destroyed by any means other than accidental fire or act of God shall be replaced only by a structure that conforms to the requirements of the CD District. A structure damaged by accidental fire or act of God to an extent less than fifty percent (50%) may be rebuilt to its original nonconforming condition, provided such condition conforms to the requirements of Article 13 Flood Protection and is rebuilt within two years of the date of the accidental fire or act of God. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the zoning ordinance shall provide for an additional two years for the structure to be rebuilt.

7.10.3 Overview of Crescent Design District Regulations

- A. Crescent Design District Map.** The CD District Map (see Sec. 7.10 Appendix A) and related regulations of this section shall control land development within the CD District.
 - 1. Use Areas.** The CD District Map divides the District into the following nine (9) sub-districts zoned for specific uses. Each of these sub-districts is detailed in Sec. 7.10.9 Use Area Regulations.

- a. **Residential Medium Density (CD-RM):** Intended for residential only and designated as medium residential density by right.
 - b. **Residential High Density (CD-RH):** Intended for residential only and designated as high residential density by right.
 - c. **Mixed Use Residential (CD-MUR):** Primarily residential with a minimum of fifty percent (50%) of gross ground floor area devoted to commercial uses.
 - d. **Commercial (CD-C):** Primarily commercial (office and retail) with the possibility for residential uses on the second (2nd) floor and above.
 - e. **Mixed Use Optional (CD-MUO):** Primarily commercial but free-standing high density residential buildings permitted as an option in rezoning. That is, residential uses do not have to be vertically integrated with nonresidential uses in buildings when approved by Council as part of a rezoning request.
 - f. **Institutional (CD-I):** Recognizes existing public institutional uses.
 - g. **Open Space/CD-C Option (CD-OSO):** Intended for park or open space based on existing uses and environmental features including extensive floodplain. However, is treated as Commercial (CD-C) category for by-right zoning and rezoning purposes.
 - h. **Open Space (CD-OS):** Recognizes existing open space areas (W&OD Trail and Town parks) and future open space areas that due to floodplain or current use should not be developed. This designation on the CD District Map does not preclude other land from being used as open space, whether public or private, in all other areas of the CD District, subject to applicable design, frontage and use requirements.
 - i. **Commercial Corridor (CD-CC):** Intended to allow nonresidential buildings of up to five (5) stories by-right with the proviso that *only nonresidential uses* shall be permitted in the Corridor by-right. Mixed use buildings and residential uses are achievable inside the Corridor only through a rezoning approved by Town Council.
- 2. **Lots.** In the CD District the development of existing and new lots shall comply with Sec. 7.10.4 Dimensional Standards and Sec. 7.10.5 Site Design Requirements.
 - 3. **Buildings.** Buildings in the CD District shall comply with Sec. 7.10.6 Building Type Specifications and Sec. 7.10.7 Building Material and Other Requirements.
 - 4. **Signs.** In the CD District signs shall comply with Article 15 Sign Regulations.
 - 5. **Uses.** In the CD District uses shall comply with Sec. 7.10.9 Use Area Regulations.

B. Building Height Map. The CD District Building Height Map (see Sec. 7.10 Appendix B) and related regulations of this section shall control the heights of buildings within the CD District.

1. Height Zones. The Building Height Map divides the CD District into the seven (7) height zones listed below:

- a. Corridor 5/5-0/5:** Nonresidential - Five Stories allowed By-Right and Five Stories maximum; Mixed Use or Residential – 0 Stories allowed By-Right and up to Five Stories per Rezoning.
- b. 2/5:** Two Stories By-Right and up to Five Stories per Rezoning.
- c. 3/3:** Three Stories By-Right and Three Stories maximum.
- d. 3/4:** Three Stories By-Right and up to Four Stories per Rezoning.
- e. 3/5:** Three Stories By-Right and up to Five Stories per Rezoning.
- f. 4/4:** Four Stories By-Right and Four Stories Maximum
- g. Intersection Building Nodes** where a minimum of Three Stories are required.

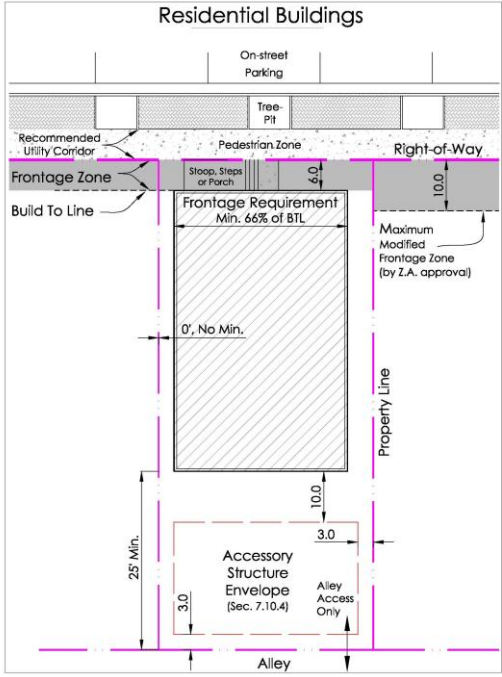
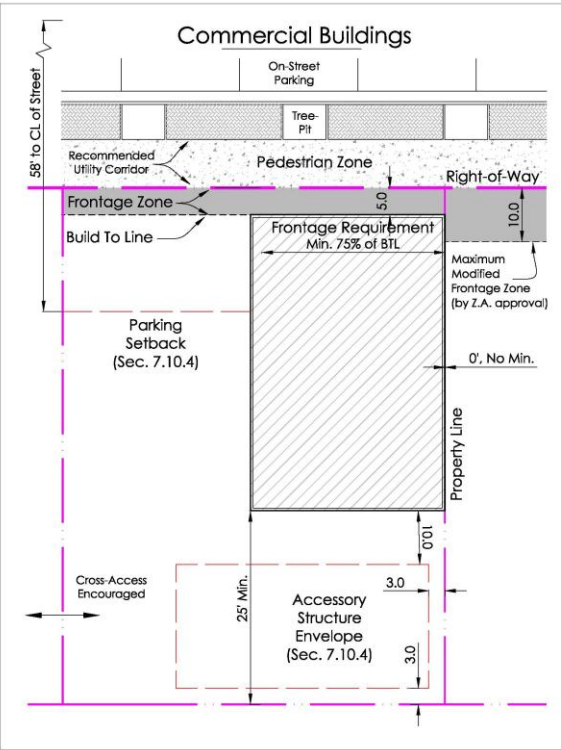
2. Buildings. For the building height zones designated on the Building Height Map, buildings shall comply with Sec. 7.10.8 Height Zones.

C. Streetscape. Sec. 7.10.11 Streetscape Requirements shall control improvements to streets and alleys within the CD District.

7.10.4 Siting Specifications

A. The following table outlines the siting specifications for areas delineated on the CD District Map.

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	Residential Frontage	Commercial or Mixed Use Frontage
	 <p>The diagram illustrates the frontage requirements for residential buildings. It shows a street with on-street parking, a recommended utility corridor, a pedestrian zone, and a right-of-way. The building is set back from the street by a minimum of 0 feet. The frontage requirement is a minimum of 66% of the build-to line (BTL). The building is shown with a front porch and a rear yard. The rear yard is set back from the property line by a minimum of 25 feet. The property line is shown with a 10-foot setback from the building. The building is shown with a front porch and a rear yard. The rear yard is set back from the property line by a minimum of 25 feet. The property line is shown with a 10-foot setback from the building. The building is shown with a front porch and a rear yard. The rear yard is set back from the property line by a minimum of 25 feet. The property line is shown with a 10-foot setback from the building.</p>	 <p>The diagram illustrates the frontage requirements for commercial or mixed-use buildings. It shows a street with on-street parking, a recommended utility corridor, a pedestrian zone, and a right-of-way. The building is set back from the street by a minimum of 58 feet to the centerline of the street. The frontage requirement is a minimum of 75% of the build-to line (BTL). The building is shown with a front porch and a rear yard. The rear yard is set back from the property line by a minimum of 25 feet. The property line is shown with a 10-foot setback from the building. The building is shown with a front porch and a rear yard. The rear yard is set back from the property line by a minimum of 25 feet. The property line is shown with a 10-foot setback from the building. The building is shown with a front porch and a rear yard. The rear yard is set back from the property line by a minimum of 25 feet. The property line is shown with a 10-foot setback from the building.</p>
Required Build-to Line	A minimum of sixty-six percent (66%) of the frontage length shall be occupied by principal building facades along the Required Build-to Line, as listed in Sec. 7.10.4.C.	A minimum of sixty-six percent 66% of the frontage length shall be occupied by principal building facades along the Required Build-to Line, as listed in Sec. 7.10.4.C.
Side Yard	See applicable Density/Intensity and Dimensional Standards of Sec. 7.10.9.	See applicable Density/Intensity and Dimensional Standards of Sec. 7.10.9.
Rear Yard	<ul style="list-style-type: none"> See applicable Density/Intensity and Dimensional Standards of Sec. 7.10.9. There shall be no rear yard setback requirement from parking structures. 	<ul style="list-style-type: none"> See applicable Density/Intensity and Dimensional Standards of Sec. 7.10.9. There shall be no rear yard setback requirement from parking structures.
Parking and Loading Areas	<ul style="list-style-type: none"> Parking shall be permitted in the rear yard and the side yard behind the Parking Setback Line, as listed in Sec. 7.10.4.C. Off-street parking shall not be permitted in the front yard. 	<ul style="list-style-type: none"> Parking shall be permitted in the rear yard and the side yard behind the Parking Setback Line, as listed in Sec. 7.10.4.C. Off-street parking shall not be permitted in the front yard. Loading shall be permitted only in the rear yard or internal loading bays not visible from the street.

Residential Frontage		Commercial or Mixed Use Frontage
Garages and Accessory Buildings	<ul style="list-style-type: none"> Attached garages shall have doors for automobiles that do not face the street. Attached garages shall meet the dimensional requirements of the principal building. Accessory buildings, including detached garages, shall be located only in the rear yard. Accessory buildings shall be setback a minimum of 3 feet from the rear and side lot lines. Garages and parking structures with vehicular access onto alleys shall be set back from the alley easement by at least 3 feet. Accessory buildings shall be separated a minimum of 10 feet from the principal building, unless otherwise permitted by the building code. Accessory buildings shall meet the requirements of Sec. 7.10.6.L <u>Accessory Buildings</u>. Parking structures shall comply with the requirements of Sec. 7.10.6.K <u>Parking Structures</u>. Accessory structures, where applicable, shall comply with the requirements of Secs. 7.10.4.G <u>Buildings on Lots Abutting Residences</u> and H. <u>Structures on Lots Abutting the Public Open Space</u>. 	<ul style="list-style-type: none"> Attached garages shall have doors for automobiles that do not face the street. Attached garages and parking structures shall meet the dimensional requirements of the principal building. Accessory buildings, including detached garages, shall be located only in the rear yard. Accessory buildings shall be setback a minimum of 3 feet from the rear and side lot lines. Garages and parking structures with vehicular access onto alleys shall be set back from the alley easement by at least 3 feet. Accessory buildings shall be separated a minimum of 10 feet from the principal building unless otherwise permitted by the building code. Accessory buildings shall meet the requirements of Sec. 7.10.6.L <u>Accessory Buildings</u>. Parking structures shall comply with the requirements of Sec. 7.10.6.K <u>Parking Structures</u>. Accessory structures, where applicable, shall comply with the requirements of Secs. 7.10.4.G <u>Buildings on Lots Abutting Residences</u> and H <u>Structures on Lots Abutting the Public Open Space</u>.

B. Open Space. There shall be no lot size or setback requirements for lots designated Open Space on the CD District Map. The siting of improvements on a lot designated Open Space shall be appropriate for the natural features of the site and existing and planned uses in the vicinity of the Open Space lot.

C. Required Build-to Line and Parking Setback.

- 1. Location.** The Required Build-to Line and the Parking Setback Line shall be interpreted to be parallel to the street at a specified distance measured from the centerline of the street, as follows:

Street Type	Building Types Required Build-to Line		Parking Setback Minimum
	Minimum	Maximum*	
Urban Boulevard	48 ft.	58 ft.	68ft
General Urban**	35 ft.	45 ft.	55 ft.
Residential/ Optional	30 ft.	40 ft.	50 ft.

*When modified by the Zoning Administrator in accordance with Sec. 7.10.12.A.1.

**Includes all existing streets except Market and Catoctin.

2. **Projections.** Porches, stoops, steps, accessible ramps and other projections as established in Sec. 7.10.7.C may project forward of the Required Build-to Line within the frontage zone shown on the street cross sections contained in Sec. 7.10.11.A Streetscape Requirements.
3. **Parking.** Parking may be located forward of the rear yard for all Residential, Commercial or Mixed Use buildings, in the following instances:
 - a. **Surface Parking** may be located in a side yard to the rear of the Parking Setback specified in Sec. 7.10.4.C.1, provided it is located behind a minimum 5-foot tall brick or stone wall that is constructed along the Required Build-to Line. The street wall may be interrupted for vehicle or pedestrian accessways.
 - b. **Parking Structures** that comply with Sec. 7.10.6.I Parking Structures.
4. **Parking Setbacks** for lots immediately abutting public or private open space shall comply with the following:
 - a. **Front Lines Abut.** For lots with front lines immediately abutting public or private open space, parking lots shall be set back behind the front façade of the principle building a distance equal to at least half the depth of the building. The buffer and screening required by Sec. 7.10.5.D.1 Parking Lot Landscaping may be located within that setback.
 - b. **Side/Rear Lines Abut.** For lots with side or rear lines immediately abutting a public or private open space, or public open space or institutions outside of the CD District, parking lots shall be set back at least 20 feet. The buffer and screening required by Sec. 7.10.5.D.1 Parking Lot Landscaping may be located within that setback.
- D. **Exemptions from the Building Frontage Requirement.** The Required Build-to Line specified in this section does not apply to the following situations:
 1. **Buildings to the Rear.** Buildings that are located on the rear portion of a site behind other buildings complying with the Required Build to Line of Sec. 7.10.4.C Required Build-to Line and Parking Setback.
 2. **Civic/institutional** buildings complying with Sec. 7.10.6.H. Civic and Institutional Buildings.
 3. **Front Line abuts Open Space.** Lots with front lot lines immediately abutting open space that are deemed acceptable for this exemption by the Zoning Administrator, based upon:
 - a. The appropriateness of the design of the open space for the vicinity;
 - b. The total square footage of the open space;
 - c. Hardscaping, landscaping and other amenities; and

- d. The finding that the open space does not subvert the intent of the Required Build-to Line.
- 4. **Open Space/Phased.** Portions of lots that are not proposed to be developed and will remain as open space or reserved for future development in accordance with Sec. 7.10.4.E. Phased Development.
- E. **Modification of the Building Frontage Requirement.** The Building Frontage Requirement may be reduced through a modification approved by the Zoning Administrator to no less than fifty percent (50%) when:
 - 1. **Building as Screen.** The proposed building has an “L” shape with the set back portion of the building used to provide open space.
 - 2. **Open Space Provided.** The area of the Building Frontage Requirement that would have been occupied by the building itself shall be provided as public or private open space to a depth of at least 10 feet from the Required Build-to Line.
- F. **Phased Development.** Certain requirements may be postponed to a later phase in a phased development, as stipulated by the Town Council in the case of a rezoning, or by the Zoning Administrator in the case of a Site Plan or Preliminary Subdivision Plat.
 - 1. **Phasing Plan.** At the time of application, the property owner shall submit a Concept Plan, Site Plan or Preliminary Subdivision Plat that demonstrates how development shall meet requirements for required build-to lines, street walls, frontage improvements and parking. The Concept Plan, Site Plan or Subdivision Plat shall indicate locations for all proposed and future buildings, parking, circulation, landscaping, and other features fully complying with CD District regulations.
 - 2. **Principal Street.** The initial building of a phased development plan shall address the Required Build-to Line of the principal abutting street.
 - 3. **Streetwall.** Based on the location of off-street parking, the Phased Development Plan, and existing development on adjacent properties, the requirement for a streetwall in the side yard may also be phased.
- G. **Buildings on Lots Abutting Residences.** Where a lot is located on the perimeter of the CD District immediately abutting a residential zoning district or is located anywhere in the CD District and immediately abuts a lot containing a single-family detached residential building, the principal building and parking structure on such lot shall be set back from the property line by a distance at least equal to the height of the building or structure. The buffers and screening required by Sec. 7.10.5.D.2 Buffers and Screening may be located within that setback.
- H. **Structures on Lots Abutting the Public Open Space.** Principal and accessory buildings and parking structures constructed on lots that share a side or rear lot line with Public Open Space shall be set back from the property line a distance at

least equal to the height of the building or structure. However, for principal buildings and parking structures proposed at the Required Build-to Line of Catoctin Circle, Harrison Street or the urban boulevard, the setback from the Public Open Space shall be at least 20 feet.

7.10.5 Site Requirements

A. Parking. Each use shall be required to provide off-street parking in accordance with the requirements of Article 11, except as follows:

- 1. Maximum Number of Spaces.** The parking requirements of Sec. 11.3 Number of Parking Spaces Required shall not be exceeded except when parking spaces are located in a parking structure. A modification of this regulation may be granted by the Zoning Administrator where it can be demonstrated that the provision of additional parking spaces benefits other properties and the intent of the CD District is not compromised.
- 2. On-Street Spaces Credit.** On-street parking spaces located along the frontage of a lot on its side of the street shall be credited towards meeting the parking requirements for the uses on that lot. Such spaces shall not be reserved for the exclusive use of patrons or occupants of the lot but shall be available to the public.
- 3. Shared Parking for Nonresidential Uses.** See Sec. 11.4.2 Shared Parking (Joint Use). A walkway(s) is required from the shared parking area to the sidewalk(s) along abutting street(s) that front the principal buildings served by the parking area.
- 4. Shared Parking for Mixed Uses.** See Sec. 11.4.5 Shared Parking (Mixed Use).

B. Bicycle Facilities. All parking structures and parking lots shall provide sufficient bike parking based on a minimum of one (1) bike space for every 10 automobiles up to a maximum of 10 bike spaces. Wherever possible, such bicycle parking shall be located with visibility by on-site security personnel, building occupants or the general public; with convenient pedestrian access to the sidewalk; and with shelter from inclement weather.

C. Loading. Off-street loading spaces shall be provided meeting all requirements of Sec. 11.9. Number of Off-Street Loading Spaces Required except that no more than one (1) loading space shall be required for each use and multiple uses may share a loading space as provided for in Sec. 11.10.1 Shared Loading Spaces. Waivers of loading space requirements may also be granted in accordance with Sec. 11.10.2 Waiver/Modification of Loading Space Requirements.

- 1. Off street loading** shall not be visible from the street. Loading areas not within loading bays shall be screened from any adjacent use by a six-foot (6') tall brick wall.
- 2. On-street loading spaces** located along the block frontage within 300 feet of the use may be credited towards meeting the loading requirements for that use. Such spaces shall not be reserved for the exclusive use of the lot but

shall be available to all other uses on the block frontage. Right-of-way permits shall be obtained from the Town for all on-street loading spaces.

D. Landscaping and Screening. Landscaping and screening shall be provided for in accordance with Article 12 Tree Preservation, Landscaping, Screening, Open Space and Outdoor Lighting, as follows:

- 1. Parking Lot Landscaping.** Parking lots in the CD District are exempt from the requirements for perimeter and interior parking lot landscaping of Sections 12.5 and 12.6, except as noted in the following paragraphs.
 - a. Parking Buffer.** Along a lot with a side or rear lot line, a planting buffer a minimum of five feet (5') in width excluding vehicle overhang at least one medium canopy or understory tree for every thirty-five feet (35') of shared lot line and at least one shrub, having a minimum height of 18 inches, for every four feet (4') of shared lot line shall be provided on the perimeter of the parking lot. Alternatively, a 5-foot (5') tall brick screening wall with a 5-foot (5') wide landscape buffer yard and shrubs planted as stated above along the outside of the wall may be substituted for the landscaped setback.
- 2. Buffers and Screening.** Sec. 12.8 Buffers and Screening requirements shall apply to the CD District, as follows:
 - a. Where Required.** A site located inside the perimeter of the CD District which immediately abuts a residential zoning district outside of the CD District shall be required to meet the requirements of Sec. 12.8 Buffers and Screening or provide a twenty-foot (20') buffer, whichever is less. A modification of this regulation may be granted by the Zoning Administrator when it can be adequately demonstrated that sufficient screening to meet the intent of Sec. 12.8 has been provided through architectural and site design techniques.
 - b. Waste/Recycling Receptacles.** Waste/recycling receptacles shall not be visible from the street and shall be located in the rear yard or internal to the building. Outside waste/recycling receptacles shall be enclosed by a six-foot (6') tall wall constructed of brick or other masonry material matching the primary building material that meets the requirements of Sec. 12.8.8 Dumpster Screening.
 - c. Ground-mounted Mechanical Equipment.** Ground-mounted and mechanical equipment shall be located in the side or rear yard. Screening shall be required for any ground-mounted mechanical equipment in the form of a brick or other masonry wall or shrub plantings that obscure visibility of the equipment from any street, plaza, green or park. The use of roof-mounted mechanical equipment is the preferred alternative screened in accordance with Sec. 7.10.6.M Mechanical Equipment.
- 3. Twenty-year Tree Canopy.** The tree canopy requirements of Sec. 12.3 Twenty Year Tree Canopy Requirements shall apply to the CD District; a minimum ten percent (10%) tree canopy shall be required in the CD District. Street trees and trees in bump outs in parking lanes along a property's frontage qualify toward the tree planting credit of Sec. 12.3.2 Calculations and Exceptions.

- E. Outdoor Lighting.** The requirements of Sec. 12.11 Outdoor Lighting shall apply, except that light poles shall be no higher than fifteen feet (15') anywhere within the CD District.
- F. Modifications.** An applicant may seek modifications to the design requirements of this section in accordance with Sec. 7.10.12.B Modifications Requiring Planning Commission or Town Council Approval.
- G. Useable Open Space/Amenity Area.** This section is intended to provide appropriate open space and amenity areas for each development within the CD District. The requirements of this section permit flexibility in order to provide uniquely designed spaces that enhance the character of the district and provide meaningful, useable open areas within the CD District.
- 1. Useable Open Space Defined.** For the purpose of the CD District, useable open space shall be considered as any natural or landscaped area consisting of at least 300 square feet which is integrated within the design of the development.
 - 2. Amenity Area defined.** For the purpose of the CD District, amenity areas shall be considered as landscaped or hardscaped areas which are integrated within the design of the development.
 - 3. Applicability.**
 - a. Residential Development:** For developments that include 25 or more dwelling units, useable open space and or outdoor amenity areas are required. However, all residential development is encouraged to provide useable open space.
 - b. Commercial Development:** All commercial development shall include useable open space and outdoor amenity areas.
 - 4. Area Requirements.**

Table 7.10.5.G Open Space/Amenity Area Requirements	
Residential Only (SFA, 2-Over-2 and MF Units)	
Open Space	10% Site Area
Amenity Area	5% Site Area
Mixed Use Development	
Open Space	5% Site Area [1]
Amenity Area	5% Site Area
Nonresidential Only	
Open Space	2.5% Site Area [2]
Amenity Area	2.5% Site Area

- [1] Open space may be reduced up to 50%; however, the reduced area must be provided as amenity area.
- [2] Open space may be reduced by 100%; however, the reduced area must be provided as amenity area.

- 5. Examples.** Permitted open space and amenity features include but are not limited to:

- a. **Greens or squares.** An informal area used to provide gathering areas, usually with a vegetative surface and an emphasis on natural design.
- b. **Plazas.** A more formal area used for passive purposes adjacent or between building entrances.
- c. **Pocket Parks.** Small informal areas used to provide passive open space with an emphasis on pedestrian connectivity.
- d. **Playgrounds.** Large active recreation areas containing multiple activities and a play structure(s).
- e. **Linear Park.** A narrow pedestrian corridor with an emphasis on aesthetically pleasing landscaping, providing pedestrian linkages.
- f. **Green Roofs.** A naturalized area located on flat roof tops.
- g. **Developers Option.** Other forms of open space or amenity areas which demonstrate to the satisfaction of the Zoning Administrator that the intent of the section has been satisfied.

6. Design Requirements.

- a. **Open space and Amenity Areas** shall be a minimum of 300 square feet in size to be credited toward the overall required amount.
- b. **Squares and Plazas** should have nearly identical side dimensions, resulting in a “square” shape.
- c. **Squares and Plazas** shall provide benches or seating walls.
- d. **Greens** should be sized so that the width is no less than have the length.
- e. **Open Space** areas shall provide a minimum of fifty percent (50%) canopy coverage. Canopy coverage shall be calculated using the tree-spread found in Tables 12.9.6.C, 12.9.6.D, and 12.9.6.F. The landscaping plan shall demonstrate compliance with this requirement.
- f. **Amenity Areas** shall be designed to provide at least fifty percent (50%) of the area in a “shaded” condition. This can be accomplished with landscaping or structures such as a pergola.
- g. **Play Structures** shall be located no closer than twenty-five feet (25') to a residential unit and shall be shaded from afternoon sun by medium canopy trees.

7. Exclusions. The following elements are excluded as useable open space or amenity areas:

- a. **Buffer yards less than ten feet (10') in width.**
- b. **Stairs or ramps providing access to buildings on or off-site.**
- c. **Area of steep slopes or slopes greater than 4:1.**
- d. **Structural stormwater management devices.**

7.10.6 Building Type Specifications

This section outlines the building design requirements for the Crescent Design (CD) District. Building design in the CD District is intended to reflect and incorporate traditional architectural design elements found in Leesburg's Downtown. The intent is not to require a specific style, but to ensure compatibility in architectural character as development transitions away from the H-1, Overlay, Old and Historic District. Generally, buildings closer to the Old and Historic District should reflect the historic architectural character of the Old and Historic District, with more flexibility in architectural character and design allowed farther away. Flexibility within this described range shall be considered for features such as roof pitch, ratio of windows to walls, massing, scale, building materials, color and proportions, alignment and rhythm of façade elements. The number of these features which may be adjusted on any one building shall also be considered when determining acceptable flexibility.

- A. Building Typology.** Buildings are organized into the following general categories: residential (R), commercial (C), mixed use (MU) and government (G).
- B. Building Orientation.** Buildings shall relate to the street or open space to which they abut. Entrances shall be provided to ensure convenient access to public roads, sidewalks, and adjacent parking and buildings.
- C. Building Mass.** Buildings shall be designed to minimize the impact of their overall mass and to provide a human scale. Unless specifically modified by this article, all building types shall exhibit the following mass refining characteristics:
- D. Existing Patterns.** Building massing shall respect traditional patterns.
 - 1. Volume.** Building massing shall be arranged to reduce perceived massiveness.
 - 2. Vertical Articulation.** The perceived height of a wall plane or building mass shall be reduced by providing vertical articulation.
 - 3. Break Up Walls.** Divide large wall planes into smaller components by changing the arrangement of windows and other façade articulation features.
 - 4. Additional Techniques.** Additional techniques that may be used to achieve a human scale include:
 - a.** Define a rhythm and pattern for windows, columns, and other architectural features.
 - b.** Use similar interior and exterior floor to ceiling heights.
 - c.** Examples of techniques that are use to achieve a human scale include, but are not limited to, building upper-story step-back, varied wall surfaces and varied heights at regular widths.
- E. Building Elements.** Unless specifically modified by this article, all building types shall exhibit the following building elements:
 - 1. Roof Form.** Buildings shall provide one or more of the following roof types:
 - a. Gabled** roof, which may include reverse gables, window dormers, and variety in pitch.

- b. **Hipped** roof.
- c. **Mansard** roof, which may include window dormers.
- d. **Pitched** roof, which may include wall dormers, window dormers, and variety in pitch.
- e. **Shed or Flat** roofs, which shall include decorative features such as a parapet (cornice, entablature, and coping). At a minimum, flat-roofed buildings shall have a decorative cornice and the flat roof shall be enclosed by a parapet.
- f. **Vents, Skylights, or Solar Panels** which shall be placed inconspicuously.

2. Roof Decoration.

- a. **Overhang.**
 - i. Eaves must overhang a minimum of 18 inches on the primary stricture.
 - ii. Eaves and rakes on accessory buildings, dormers, and other smaller structures must overhang at least eight inches (8").
 - iii. Open eaves and simple traditional soffits and fascia are allowed.
 - iv. Soffits shall be placed perpendicular to the building wall, not sloping in plane with the roof (except for gable end rakes).
 - v. Timber eaves and balcony brackets must be a minimum of five and one-half inches (5.5") in dimension.
- b. **Cornices and Other Features.**
 - i. Buildings without visible roof surfaces and overhanging eaves may satisfy the overhang requirement with a cornice projecting horizontally between six inches (6") and twelve inches (12") beyond the building walls.
 - ii. Overly elaborate designs are discouraged. However, ornamentation which contributes to the character of the building is encouraged (see Sec. 7.10 Appendix C for an illustration).

3. Walls.

- a. **Primary Front Façade** shall be defined as the primary building façade facing the street or common open space.
- b. **Secondary Front Façade** shall be defined as a secondary building façade which faces a street or common open space.
- c. **Interior Front Façade** shall be defined as a building façade which faces an interior street or common open space (see Sec. 7.10 Appendix C for an illustration).
- d. **Secondary Interior Façade** shall be defined as a building façade which does not face a street or common open space and is located within forty feet (40') of the Required Build-to Line (see Sec. 7.10 Appendix C for an illustration).

4. **Windows.** The window sash, frame, and architectural details that surround the window are significant character defining features of many buildings.
 - a. **Openings.** Openings for windows shall not be flush with the wall.
 - b. **In Context.** Window types and glazing patterns should be in context with surrounding buildings.
 - c. **Shutters.** Shutters must be sized for the window openings and mounted with appropriate hardware.
 5. **Entryways.**
 - a. **Building Entrances** not located within a recess or covered porch should be decorated by transom windows or sidelights, pediments, porticos, or similar architectural treatment.
 - b. **Forecourts** are permitted where:
 - i. The width is greater than ten percent (10%) and less than forty percent (40%) of the width of the overall building, and
 - ii. The depth is greater than ten percent (10%) and less than forty percent (40%) of the depth of the overall building.
 6. **Design Expression.** Buildings should reflect the historic architectural character of the Old and Historic District. Building elements such as roof pitch, ratio of windows to walls, as well as massing, scale, building materials, color and proportions, alignment and rhythm of façade elements shall be considered to determine compliance with the intent of this section. Unless specifically modified by this article, design expression shall be defined by the following:
 - a. **Cohesiveness.** The overall design of a building shall be harmonious as opposed to a random collection of non-integrated architectural elements.
 - b. **Traditional Hierarchy.** Buildings shall reflect a traditional hierarchy demonstrated by a discernible base, middle and cap.
 - c. **Corporate Architecture.** Trademark buildings – those which have a distinctive exterior appearance readily identified with a franchise or chain business - do not necessarily reflect the historic building character of Leesburg. Such buildings must be modified to include traditional Leesburg design, color and use of materials.
 7. **Foundation Walls.** Defined as the portion of the building located between the finished grade and the first floor, if exposed, shall be of a masonry or stone appearance. Smooth surfaced concrete masonry units must be covered by a veneer.
- F. Corner Buildings and Terminating Views.** Buildings situated at a street corner and at the terminating view of a street shall be designed so that the architecture incorporates accents and details that accentuate its prominent location.
1. **Form.** Chamfered or Round building corners are encouraged at street intersections.

2. **Entrances.** A main pedestrian entrance for a corner building shall be either at the corner of the building in a chamfered design or on each building façade within twelve feet (12') of the corner. See also Sec. 7.10.8.D.2 regarding a permissible height increase of five feet (5') for this building type.
3. **Corner Lot.** For a corner lot, the building shall be deemed to have one (1) primary front façade and one (1) secondary front façade (see Sec. 7.10 Appendix C for an illustration).

G. Residential Building Design Specifications

1. **Types.** Residential buildings include single family detached, single family attached and multifamily buildings.
2. **Pedestrian entrances.**
 - a. **Primary Entrance.** The primary building entrance must be located along the street or common open space that the building fronts on.
 - b. **Accentuation.** Entryways shall be designed to accentuate the primary entrance.
 - c. **Not at Grade.** Entrances are not permitted to be at grade, and shall include at least one (1) step.
3. **Massing.** Changes in horizontal or vertical plane, bay windows, balconies, covered or recessed porches or stoops, porticos, or ornamentation to accentuate the horizontal plane shall be used to de-emphasize the massing of a residential building.
4. **Windows.** At least twenty-five percent (25%) of the primary and secondary front façades shall be composed of glass.
5. **Garages.** Garage doors shall not be located on the primary front façade of the building. No single family attached units shall have front-loaded driveways or garages.
6. **Porches.**
 - a. **Single Family Detached.** Fifty percent (50%) of the single family detached buildings facing the street or common open space shall include a porch or portico having a minimum area of forty-eight (48) square feet and a minimum depth of six (6) feet. The porch shall project a minimum of two (2) feet beyond the façade.
 - b. **Single Family Attached (Townhouse).** Fifty percent (50%) of the single family attached buildings facing the street or common open space shall include a porch or portico having a minimum area of twenty-four (24) square feet and a minimum depth of four (4) feet. The porch shall project a minimum of two (2) feet beyond the façade.
7. **Roof Form.**
 - a. **Single Family Detached** buildings shall have a pitched roof.
 - b. **Single Family Attached and Multifamily** buildings may have a pitched, flat or shed roof.

- c. **Dormer Windows.** Any grouping of single family attached buildings shall include dormer windows for a minimum of 50 percent (50%) of the buildings in each grouping of buildings.

8. Materials. See Section 7.10.7.A Building Materials.

H. Commercial Building Design Specifications

1. **Types.** Commercial buildings are either a General Urban (GU) building or Storefront (SF) building. Both building types are defined as a building that contains non-residential/commercial uses.
2. **General Requirements.**
 - a. **General Urban Buildings.** This building type is intended to resemble traditional office/mixed use buildings in the Old and Historic District. Walls that face a street or public or private open space shall include windows and architectural features customarily found on traditional commercial building fronts, which include but are not limited to, awnings, cornice work, edge detailing or decorative finish materials.
 - b. **Storefront Buildings.** This building type is intended to resemble traditional retail/mixed use buildings found in the Old and Historic District. Storefront buildings shall be designed to create a distinct and separated ground floor area through the use of accent such as a string course, change in material or textures, or an awning or canopy between the first and second stories. Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed and painted.
 - c. **Retail Tenant Size Limitation.** No single retail tenant shall occupy more than 50,000 gross square feet of space in a single building.
3. **Pedestrian Entrance.**
 - a. **General Urban** buildings are required to provide one (1) pedestrian entrance for every fifty feet (50') of building frontage. Entrances shall have design details that enhance the appearance and prominence of the entrance so that it is easily recognizable from the street or common open space.
 - b. **Storefront** buildings are required to provide one entrance for every twenty-five feet (25') of building frontage (not all of which must be operable). Entrances shall have design details that enhance the appearance and prominence of the entrance so that it is easily recognizable from the street or common open space.
 - c. **A Secondary Front Façade** shall include at least one (1) pedestrian entrance.
 - d. **An Interior Secondary Façade** shorter than sixty feet (60') shall be exempt from providing a pedestrian entrance (see Sec. 7.10 Appendix C for an illustration).
4. **Massing.** Changes in horizontal or vertical plane, bay windows, balconies, covered or recessed porches or stoops, porticos, or ornamentation to

accentuate horizontal plane shall be used to de-emphasize the massing of a commercial building.

5. **Walls.** Interior Front Façades located greater than forty feet (40') from the Required Build-to Line shall not be subject to the architectural design controls of this section.

6. **Windows/Doors.**

- a. **General Urban Building, Ground Floor.** At least fifty percent (50%) of the ground floor primary front façade shall be composed of windows and doors. Windows shall be placed to occupy the space between two (2) feet and 10 feet above the outside grade (see Sec. 7.10 Appendix C for an illustration).
- b. **Storefront Building, Ground Floor:** At least seventy percent (70 %) of the ground floor primary front façade shall be composed of windows and doors. Windows shall be placed to occupy the space between two (2) feet and 10 feet above the outside grade (see Sec. 7.10 Appendix C for an illustration). The bottom of the ground floor window on the primary façade must be no more than two (2) feet above the adjacent exterior grade.
- c. **Secondary Front Façade.** Thirty percent (30%) of the ground level secondary front façade shall be composed of windows.
- d. **Interior Secondary Façade.** Ten percent (10%) of the ground level interior secondary façade shall be composed of windows. This requirement can be met with display windows that do not provide views of the interior of the building.
- e. **Upper Stories.** Upper story windows shall compose at least fifty percent (50%) of the facade and no greater than seventy percent (70%) of that portion of the façade, and shall be vertical in proportion.
- f. **Ground Floor Minimum Height.** The ground floor of all GU and SF buildings shall have a minimum fourteen-foot (14') height, floor to floor.
- g. **Materials.** See Section 7.10.7.A Building Materials.

- I. **Mixed Use Commercial Building Design Specifications.** This building type shall be a general urban or storefront building with residential dwelling units in the upper stories above the non-residential/commercial uses on the first or lower floors. Mixed Use Buildings shall meet the following additional requirements:

1. **Pedestrian Entrances.** Where a common access is not provided to upper stories, a separate entrance on the primary front façade shall be provided which should be decorated by transom windows or sidelights, pediments, porticos, or similar architectural treatment.
2. **Windows.** Upper story windows shall occupy at least fifty percent (50%) of that portion of the façade, and shall be vertical in proportion.
3. **Ground Floor Minimum Height.** The ground floor of all mixed use buildings shall have a minimum fourteen-foot (14') height, floor to floor.

4. **Green Roof.** Green roofs are encouraged to meet stormwater quality and quantity management.
 5. **Materials.** See Section 7.10.7.A Building Materials.
- J. Drive-through Window Building Design Specifications.** Buildings having this feature shall be required to meet the following specifications:
1. **Building Type.** Buildings having this feature are required to meet the general urban or storefront building specifications.
 2. **Windows.** Faux widows are permitted on secondary front facades for a maximum of fifty percent (50%) of the required window requirement for general urban and storefront windows.
 3. **Use.** Buildings are limited to one (1) drive-through window.
 4. **Location.** The drive-through window shall be located on a secondary façade.
 5. **Height.** A single story building, with a minimum building height of twenty-five feet (25'), is permitted so long as the building has a pitched roof.
 6. **Number of Lanes.** Buildings containing a drive-through window are limited to no more than two (2) lanes and are required to provide a pass-by lane.
 7. **Canopy.** Canopies over the drive-through lanes shall have a pitched roof. The canopy height shall not exceed the height of the building. Support structures shall be constructed of brick or stone.
 8. **Materials.** See Section 7.10.7.A Building Materials.
- K. Service Station Building Design Specifications.**
1. **Type.** These buildings are required to meet the storefront building specifications.
 2. **Windows.** Faux widows are permitted on secondary front facades for a maximum of fifty percent (50%) of the required window requirement for general urban and storefront windows.
 3. **Location.** For a building located on a corner, the secondary front façade shall occupy a minimum of fifty percent (50%) of the Required Build-to Line. An Applicant can request a modification of this requirement from the Land Development Official.
 4. **Height.** These buildings are permitted to be a single story building with a minimum height of twenty-five feet (25') except in the Intersection Building Node areas shown on the Building Height Map.
 5. **Roof Form.** These buildings are required to have a pitched roof.
 6. **Canopy.** The roof of this structure shall have the same roof pitch as the principal building, but not exceeding the height of the principal building. The clear-height of the canopy shall not exceed fourteen feet (14'), measured

from the finished grade to the lowest point of the canopy structure. Support structures shall be constructed of brick or stone.

7. **Screening.** The balance of the Required Build-to Line not used for building or vehicular or pedestrian access shall be occupied by a four-foot (4') tall masonry wall, and is subject to the requirements of Sec. 7.10.6.A.5.
 8. **Fueling Pumps.** Fueling pumps shall be located adjacent to a secondary building façade and located no closer than twenty-five feet (25') to the Required Build-to Line.
 9. **Materials.** See Section 7.10.7.A Building Materials.
- L. Parking Structures Building Design Specifications.** Where the parking structure is located in the interior of a block it shall be surrounded by buildings having a minimum depth of thirty feet (30'); the specifications in the following section do not apply. Parking structures located in the CD-MUR or CD-MUO Districts or fronting East Market Street, Catoctin Circle or Harrison Street shall be constructed to the Required Build-to Line and meet the following specifications:
1. **Type.** The ground floor façade shall be either general urban or storefront.
 2. **Vehicular Access.** Openings for vehicular access shall be designed to provide the minimum access necessary for safe and adequate access.
 3. **Upper stories:** Openings on stories above the ground floor shall be required to follow the window proportions in this ordinance.
 4. **Materials.** See Section 7.10.7.A Building Materials.
- M. Accessory Building Design Specifications.**
1. **Roof.** The roof shall be designed with a roof pitch equal to or greater than the principal building.
 2. **Height.** The height of an accessory building shall not exceed the height of the principal building or twenty-five feet (25'), whichever is less.
 3. **Materials.** See Section 7.10.7.A Building Materials.
- N. Mechanical Equipment.** All rooftop HVAC and mechanical equipment shall be screened from view from all abutting streets and public or private open space. This shall be accomplished for pitched roofs by placing the equipment on the back half of the building or concealing the equipment within the roof structure. This shall be accomplished for flat roofs by limiting the area of the penthouse or screened area containing the equipment to no more than fifty percent (50%) of the area of the floor below and by setting the penthouse or screened area from the front and back facades of the building such that the top of the penthouse or screen is below a 45-degree line drawn from the bottom of the parapet. In addition, the penthouse or screen wall shall generally blend with the design of the building. Parapets shall match the primary building material of the facade below and shall blend with the design of the building in terms of color and scale.

- O. Modifications.** An applicant may seek a certain modifications of this section in accordance with Sec. 7.10.12.B Modifications Requiring Planning Commission or Town Council Approval.

7.10.7 Building Materials and Other Requirements

- A. Building Materials.** All buildings shall contain quality building materials that are in keeping with the character of traditional buildings in Leesburg. Permitted materials for exterior walls (exclusive of windows and doors) that are directly visible from the street and public or private open space shall be limited to the following:

Building Material	Primary building façade ¹	Secondary building façade	Interior building façade	Trim material
Brick or tile masonry (modular)	Permitted	Permitted	Permitted	Permitted
Native stone (or synthetic equivalent)	Permitted	Permitted	Permitted	Permitted
Wood lap siding	Permitted	Permitted	Permitted	Permitted
Fiber cement siding (such as Hardie-Plank™ or equivalent – no faux wood grain)	Permitted	Permitted	Permitted	Permitted
Stucco (cementitious finish)	Permitted	Permitted	Permitted	Permitted
Pre-cast masonry (for trim and cornice elements only)	- -	Permitted	Permitted	Permitted
Split-faced block (only for piers, foundation walls and chimneys)	- -	Permitted	Permitted	Permitted
Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only)	- -	- -	- -	Permitted
Exterior insulation and finish system (EIFS- for trim elements only)				Permitted
Textured concrete masonry units		Permitted	Permitted	Permitted
Metal (for beams, lintels, trim elements and ornamentation only)	- -	- -		Permitted
Molded polyurethane trim (such as Fypon)	- -	- -		Permitted

1. Definitions of Primary, Secondary and Trim Materials.

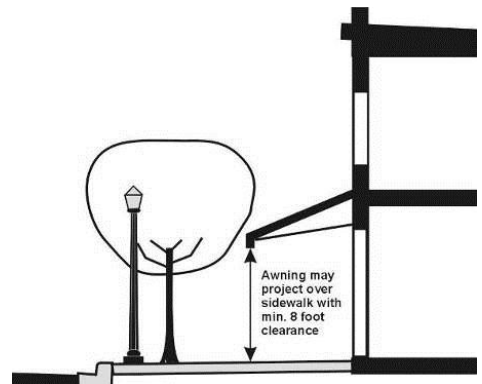
- Primary building material** shall comprise at least seventy-five percent (75%) of the visible wall materials.
- Secondary and trim material**, including such features as door trim, window trim, columns, cornice, decorative millwork, gable vents, louvers, moldings, pediments and string course, shall comprise no more than twenty-five percent (25%) of the visible wall materials. Wall area calculations are exclusive of windows and doors.

- Glass.** Glass areas on front facades shall be clear or lightly tinted. Lightly tinted shall be defined as window tint not containing a metallic material which allows greater than seventy percent (70%) visible light transmission. Mirrored glass is not permitted.

3. **Colors.** Colors should not be chosen so that the building functions as a sign; this includes colors identifiable with a franchise or chain business. However, such colors may be appropriate for accent, awnings and signs.
4. **Green Roofs.** Green roofs are encouraged to meet required best management practices.
5. **Colored Roofing Materials.** Colored roofing materials that have a high reflectance value are encouraged. Roofing materials should complement the building.
6. **Screening Walls.** Walls used for screening, including walls required by Sec. 7.10.4 for parking within side yards, in excess of twenty feet (20') in length shall be articulated, with such features as projections/recessions (such as columns, pilasters, and paneling) and variable colors or details, at least every twenty feet (20'). The wall shall be capped and in a way that complements the design of the wall.

B. Awnings and Similar Features. Awnings, canopies and roofed structures over windows or entrances which give shade and shelter or add color and visual interest to the entry or building façade are permitted provided that the following conditions are met:

1. **Projection.** May project over a sidewalk; however, there must be a minimum eight-foot (8') clearance from the sidewalk to the lowest portion of the structure.
2. **Projection Minimum.** Shall project a minimum of twenty-four inches (24") away from the building façade to which they are attached.
3. **Proportional.** When placed above windows, doors or entrances, these features shall be proportional to the window, door or entrance over which they are positioned.
4. **Materials.** Awnings shall be constructed of durable materials such as canvas or like material that will not fade or tear easily. Plasticized, metal, rigid, cubed or curved awnings or mansard style canopies are prohibited.
5. **Illumination.** Awnings shall not be internally illuminated.
6. **Awnings.** Awnings shall not interfere with street trees.



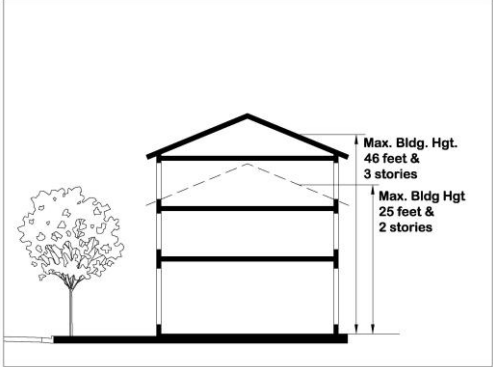
C. Projections.

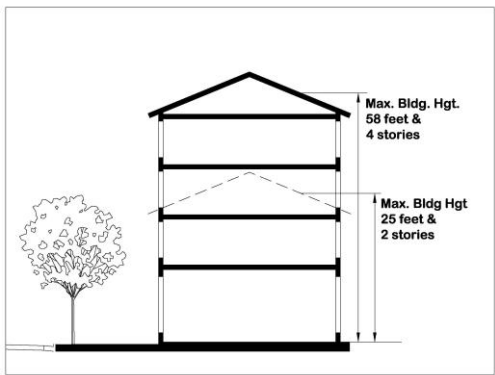
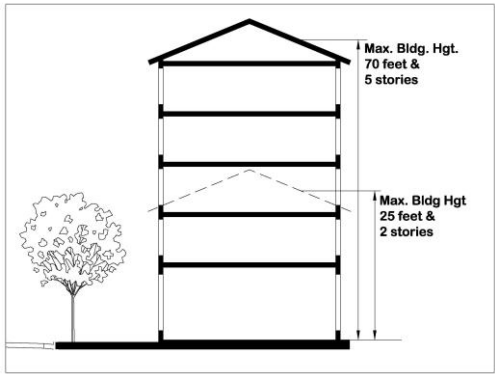
1. **Types.** The following projections into the Required Build-to Line setback are permitted:
 - a. **Bay Windows**, when:
 - i. Elevated above a finished floor; and
 - ii. Where the extension projects no more than four feet (4') from the principal building.
 - b. **Extensions** of a finished floor at ground level when:

- i. The extension projects no more than four feet (4') from the principal building
 - ii. The extension does not constitute more than forty percent (40%) of the façade from which it is extended.
 - c. **Cantilever.** A cantilevered portion of a building not extending more than two feet (2') from the principal building.
 - d. **Display Windows.** Display windows not projecting more than two feet (2') from the principal building.
- D. Modifications.** An applicant may seek from the Planning Commission modifications to the design requirements of this section in accordance with Sec. 7.10.12.B Modifications Requiring Planning Commission or Town Council Approval.

7.10.8 Height Zones

- A. Building Height Zone Requirements.** The following table details requirements for principal buildings in height zones designated by the Building Height Map.
- 1. Minimum Height and Stories Required.** No portion of any building shall be less than the minimum stories required by the Building Height Map.

3 Story Height Zone		
Maximum Building Height	3 stories and 46-foot maximum building height.	
Minimum Building Height	2 stories and 25-foot minimum building height.	

4 Story Height Zone		
Maximum Building Height	4 stories and 58-foot maximum building height.	
Minimum Building Height	2 stories and 25-foot minimum building height.	
5 Story Height Zone		
Maximum Building Height	5 stories and 70-foot maximum building height.	
Minimum Building Height	2 stories and 25-foot minimum building height.	

B. Measurement of Height. In the CD District, building height shall be measured in accordance with Section 10.4.6.B Measurement of Height.

C. Structures Excluded from Maximum Height Limitations.

1. General. Certain structures, such as parapets and rooftop equipment, may exceed the maximum height limits in accordance with Sec. 10.4.6.C Structures Excluded from Maximum Height Limitations. Rooftop equipment on a flat roof building shall be contained within a penthouse or screen wall that shall not exceed twelve feet (12') in height and shall comply with the rooftop design requirements of Sec. 7.10.6 Building Type Specifications.

2. Corner Buildings and Terminating Views. The height of a building situated at a street corner within a Building Node as shown on the Building Height Map or at the terminating view of a street may be increased by ten feet (10') above the otherwise applicable height limit. The purpose is to incorporate architectural features such as a peak, tower, or similar details to accentuate these prominent locations.

D. Accessory Buildings. The height of an accessory building shall not exceed twenty-five feet (25') in height.

E. Increased Setback Adjacent to Residential District. In the CD District the front, side and rear yard minimum setback shall be increased to be equal to the height of the building where the proposed building height exceeds the required

minimum yard setback adjacent to residential districts only. See Sec. 10.4.5.F for an illustration.

F. Height Zones. The following chart summarizes the number of stories and the maximum and minimum height allowed in each of the seven Height Zones shown on the Building Height Map.

Designation on Map	No. Stories By-Right	No. Stories Possible per Rezoning	Maximum Building Height	Minimum Stories/Height Required
Corridor	Five (5) for nonresidential only; Zero (0) for mixed use or residential	Five (5) for nonresidential; Five (5) for mixed use or residential	70 feet	Two (2)/25 feet
2/5	Two (2)	Five (5)	70 feet	Two (2)/25 feet
3/3	Three (3)	Three (3)	46 feet	Two (2)/25 feet
3/4	Three (3)	Four (4)	58 feet	Two (2)/25 feet
3/5	Three (3)	Five (5)	70 feet	Two (2)/25 feet
4/4	Four (4)	Four (4)	58 Feet	Two (2)/25 feet
Intersection Building Node	Three (3) story minimum required for building at the corner	Depends on underlying story designation	Depends on underlying story designation	Three (3)/46 feet

7.10.9 Use Regulations and Density/Intensity and Dimensional Standards

Uses are allowed in the CD District in accordance with the following tables.

- A. [P] Permitted Uses.** A “P” indicates that a use is permitted by right, subject to compliance with all other applicable regulations of this Zoning Ordinance.
- B. [S] Special Exception Uses.** An “S” indicates that a use is allowed only if reviewed and approved in accordance with the Special Exception procedures of Sec. 3.4.
- C. [R] Rezoning Uses.** An “R” indicates that a use is only allowed in accordance with the Rezoning Procedures of Sec. 3.4.
- D. Uses Not Allowed.** A blank cell (one that doesn’t contain an “S” or “P”) indicates that the listed use is not allowed in the areas as depicted on the CD District Map.
- E. Compliance.** Uses shall comply with the applicable sections referenced under the Use Standards column of the Use Table.

7.10.9.A CD-RM, Crescent Design – Residential Medium Density

7.10.9.A.1 Use Regulations

The following uses are permitted in the CD-RM District as indicated in the table:

Table 7.10.9.A.1 - CD-RM Uses			
Use		Use Standards	Definition
Commercial Uses			
Home occupation	P		Sec. 18.1.80
Institutional and Community Service Uses			
Assisted living residence	P		Sec. 18.1.12
Nursing home	P	Sec. 9.3.17	Sec. 18.1.120
Park, public	P		
Place of worship	S		Sec. 18.1.141
Residential Uses			
Extended Family Residence	P	Sec. 9.3.11	Sec. 18.1.60
Group home	P		Sec. 18.1.74
Multiple-family	P		Sec. 18.1.110
Single-family attached (2 over 2)	R		Sec. 18.1.171.1
Single-family attached (townhouse)	P		Sec. 18.1.172
Duplex	P		Sec. 18.1.49
Single-family detached dwelling	P		Sec. 18.1.171

7.10.9.A.2 Density/Intensity and Dimensional Standards

All development in the CD-RM District shall be subject to the following standards:

Table 7.10.9.A.2 - CD-RM District Standards	
A. Minimum Lot Area (square feet)	
All Development	None
B. Minimum Lot Width (feet)	
Single-Family Detached	40
Single-Family Attached	16
All Other Development	None
C. Maximum Residential Density (units per acre)	
By-Right	8
Rezoning	16 ^[1]
D. Minimum Yards/Setbacks (feet)	
Required Build-to-Line	See Sec. 7.10.4.C.1
Side	10 ^[2] ^[3] ^[5]
Rear	25 ^[4] ^[5]
Parking Setback	See Sec. 7.10.4.C.1
E. Maximum Building Height (feet)	
By-Right	3 Stories (46')
Rezoning	NA

[1] Town Council may approve a higher maximum density as part of a rezoning approval.

[2] Side yard setback shall be 0 feet for an interior townhouse lot.

[3] Side yard setback shall be 6 feet for corner or end unit townhouse lots.

[4] Townhouse rear yards shall be a minimum of 20 feet.

[5] See Sec. 7.10.8.F Increased Setback Adjacent to Residential District.

7.10.9.B CD-RH, Crescent Design – Residential High Density

7.10.9.B.1 Use Regulations

The following uses are permitted in the CD-RH District as indicated in the table:

Table 7.10.9.B.1 - CD-RH Uses			
Use		Use Standards	Definition
Commercial Uses			
Home occupation	P		Sec. 18.1.80
Institutional and Community Service Uses			
Assisted living residence	P		Sec. 18.1.12
Nursing home	P		Sec. 18.1.120
Park, public	P		
Place of worship	S		Sec. 18.1.141
Recreation facility	S	Sec. 9.3.21	Sec. 18.1.156
Residential Uses			
Group home	P		Sec. 18.1.74
Multiple-family	P		Sec. 18.1.110
Single-family attached (2 over 2)	R		Sec. 18.1.171.1
Single-family attached (townhouse)	P		Sec. 18.1.172

7.10.9.B.2 Density/Intensity and Dimensional Standards

All development in the CD-RH District shall be subject to the following standards:

Table 7.10.9.B.2 - CD-RH District Standards	
A. Minimum Lot Area (square feet)	
All Development	None
B. Minimum Lot Width (feet)	
Single-Family Attached	16
All Other Development	None
C. Maximum Residential Density (units per acre)	
By-Right	12
Rezoning	24[1]
D. Minimum Yards/Setbacks (feet)	
Required Build-to-Line	See Sec. 7.10.4.C.1
Side:	
Single-Family Attached End Unit	4 [2] [4]
All Other Development	None [4]
Rear	25[3] [4]
Parking Setback	See Sec. 7.10.4.C.1
E. Maximum Building Height (feet)	
By-Right	3 Stories (46')
Rezoning	5 Stories (70')

[1] Town Council may approve a higher maximum density as part of a rezoning approval.

[2] Side yard setback shall be 0 feet for an interior townhouse lot.

[3] Townhouse rear yards shall be a minimum of 20 feet.

[4] See Sec. 7.10.8.F Increased Setback Adjacent to Residential District.

7.10.9.C CD-MUR, Crescent Design – Mixed Use Residential

7.10.9.C.1 Use Regulations

The following uses are permitted in the CD-MUR District as indicated in the table:

Table 7.10.9.C.1 CD-MUR Uses			
Use		Use Standards	Definition
Commercial Uses			
Bank with drive-in facility [1]	S		Sec. 18.1.14
Bank without drive-in facility	P		Sec. 18.1.14
Child care center [1]	P		Sec. 18.1.29
Convenience food store [1]	P		Sec. 18.1.39
Dance studio	P		Sec 18.1.40.1
Eating establishment without drive-in facility	P		Sec. 18.1.55
Exercise studio	P		Sec. 18.1.59.1
Home occupation	P		Sec. 18.1.80
Office	P		Sec. 18.1.121
Mailing services	P		Sec. 18.1.102
Parking structure	P		Sec. 18.1.135
Pharmacy	P		Sec. 18.1.140
Printing and/or publication (less than 5,000 sf)	P		Sec. 18.1.148
Retail	P		Sec. 18.1.159
Services, personal	P	Sec. 9.3.19	Sec. 18.1.168
Telecommunications facility: Antenna	P	Sec. 9.3.26.B	Sec. 18.1.7 [1]
Institutional and Community Service Uses			
Library	P		Sec. 18.1.89
Museum	P		Sec. 18.1.111
Park, public	P		
Place of worship	S		Sec. 18.1.141
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
U.S. Postal Service (limited to retail only)	P		Sec. 18.1.146
Utility Uses			
Public utility, minor	S	Sec. 9.3.31	Sec. 18.1.154
Residential Uses			
Assisted living residence	P		Sec. 18.1.12
Multiple-family	P	Sec. 9.3.15	Sec. 18.1.110
Single-family attached (2 over 2)	R		Sec. 18.1.171.1
Single-family attached (townhouse)	R		Sec. 18.1.172
Nursing home	P		Sec. 18.1.120

7.10.9.C.2 Density/Intensity and Dimensional Standards

The following uses are permitted in the CD-MUR District as indicated in the table:

Table 7.10.9.C.2 - CD-MUR District Standards	
A. Minimum Lot Area (square feet)	
All Development	None
B. Minimum Lot Width (feet)	
All Development	None
C. Maximum Density	
Residential (units per acre)	
By-Right	12
Rezoning	24[1]
Nonresidential	
Minimum 50% of the ground floor GFA on street frontage shall be nonresidential uses	
D. Minimum Yards/Setbacks (feet)	
Required Build-to-Line	See Sec. 7.10.4.C.1
Side:	
Single-Family Attached End Unit	4 [2] [3]
All Other Development	None
Rear	None except 25' if adjacent to a residential district [2]
Parking Setback	See Sec. 7.10.4.C.1[2]
E. Maximum Building Height (feet)	
By-Right	3 Stories (46')
Rezoning	5 Stories (70') where available – see Height Map

[1] Town Council may approve a higher maximum density as part of a rezoning approval.

[2] See Sec. 7.10.8.F Increased Setback Adjacent to Residential District.

[3] Side yard setback shall be 0 feet for an interior townhouse lot.

7.10.9.D CD-C, Crescent Design – Commercial

7.10.9.D.1 Use Regulations

The following uses are permitted in the CD-C District as indicated in the table:

Table 7.10.9.D.1 CD-C Uses			
Use		Use Standards	Definition
Commercial Uses			
Bank with drive-in facility	S		Sec. 18.1.14
Bank without drive-in facility	P		Sec. 18.1.14
Brewpub	P	Sec.9.3.2.1	Sec. 18.1.20.1
Brewpub with Silo	S	Sec. 9.3.2.1	Sec. 18.1.20.1

Table 7.10.9.D.1 CD-C Uses			
Use		Use Standards	Definition
Car wash	S	Sec. 9.3.3	Sec. 18.1.27
Child care center [2]	P	Sec. 9.3.4	Sec. 18.1.29
Commercial Inn	P		Sec. 18.1.86
Conference center	S		Sec. 18.1.37
Convenience food store [1]	P	Sec. 9.3.8	Sec. 18.1.39
Eating establishment with drive-in facility	S		Sec. 18.1.55
Eating establishment without drive-in facility	P		Sec. 18.1.55
Electric and/or plumbing supply	S	Sec. 9.3.10	
Emergency care facility	P		Sec. 18.1.58
Hotel/motel	S		Sec. 18.1.83
Lumber and/or building material sales without outdoor storage	P		Sec. 18.1.101
Mailing Services	P		Sec. 18.1.102
Office	P		Sec. 18.1.121
Outdoor storage area	S		Sec. 18.1.127
Parking structure	P		Sec. 18.1.135
Pharmacy	P		Sec. 18.1.140
Printing and/or publication	P		Sec. 18.1.148
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
Retail	P		Sec. 18.1.159
School, special instruction	P	Sec. 9.3.23	Sec. 18.1.164
Service station	S	Sec. 9.3.24	Sec. 18.1.169
Services, personal	P	Sec. 9.3.19	Sec. 18.1.168
Telecommunications Facility: Antenna	P	Sec. 9.3.26.A	Sec. 18.1.7
Theater, indoor	P		Sec. 18.1.189
Vehicle and/or equipment service facility [3]	S	Sec. 9.3.29	Sec. 18.1.197
Vehicle sales and/or rental facility [3]	S	Sec. 9.3.28	Sec. 18.1.196
Veterinary hospital	S	Sec. 9.3.30	Sec. 18.1.198
Industrial/Manufacturing			
Research and development	S	Sec. 9.3.22	Sec. 18.1.156
Institutional and Community Service Uses			
College or University	P		Sec. 18.1.33
Fire and/or rescue facility	P		Sec. 18.1.64
Library	P		Sec. 18.1.89
Park, public	P		
Place of worship	S		Sec. 18.1.141
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
School, technical	P	Sec. 9.3.23.1	Sec. 18.1.65
U.S. Postal Service, limited to retail uses only	P		Sec. 18.1.146
Residential Uses			
Multiple-family	P	Sec. 9.3.15	Sec. 18.1.110
Utility Uses			

Table 7.10.9.D.1 CD-C Uses			
Use		Use Standards	Definition
Public utility, minor	S	Sec. 9.3.31	Sec. 18.1.154

- [1] Not permitted as a free-standing building.
[2] A stand-alone building requires approval by special exception.

7.10.9.D.2 Density/Intensity and Dimensional Standards

All development in the CD-C District shall be subject to the following standards:

Table 7.10.9.D.2 - CD-C District Standards	
A. Minimum Lot Area (square feet)	
All Development	None
B. Minimum Lot Width (feet)	
All Development	None
C. Maximum Density	
Residential (units per acre)	
By-Right	12 limited to 2nd floor and above
Rezoning	24 limited to 2 nd , 3 rd , 4 th & 5 th floors [1] [2]
Nonresidential (FAR)	
None but ground floor limited to nonresidential use	
D. Minimum Yards/Setbacks (feet)	
Required Build-to-Line	See Sec. 7.10.4.C.1
Side	None [2]
Rear	None except 25' if adjacent to a residential district [2]
Parking Setback	See Secs. 7.10.4.C.1 & 7.10.5.2
E. Maximum Building Height (feet)	
By-Right	3 Stories (46')
Rezoning	5 Stories (70')

[1] Town Council may approve a higher maximum density as part of a rezoning approval.

[2] See Sec. 7.10.8.F Increased Setback Adjacent to Residential District

7.10.9.E CD-MUO, Crescent Design Mixed Use Optional

7.10.9.E.1 Use Regulations

The following uses are permitted in the CD-MUO District as indicated in the table:

Table 7.10.9.E.1 CD-MUO Uses			
Use		Use Standards	Definition
Commercial Uses			
Bank without drive-in facility	P		Sec. 18.1.14

Table 7.10.9.E.1 CD-MUO Uses			
Use		Use Standards	Definition
Child care center [2]	P	Sec. 9.3.4	Sec. 18.1.29
Commercial Inn	P		Sec. 18.1.86
Convenience food store [1]	P		Sec. 18.1.39
Eating establishment without drive-in facility	P		Sec. 18.1.55
Emergency care facility	P		Sec. 18.1.58
Hotel/motel	S		Sec. 18.1.83
Mailing Services	P		Sec. 18.1.102
Office	P		Sec. 18.1.121
Parking structure	P		Sec. 18.1.135
Pharmacy	P		Sec. 18.1.140
Printing and/or publication	P		Sec. 18.1.148
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
Retail	P	Sec. 9.3.17.1	Sec. 1.159
School, special instruction	P	Sec. 9.3.23	Sec. 18.1.164
School, technical	P	Sec. 9.3.23.1	Sec. 18.1.65
Service station	S	Sec. 9.3.24	Sec. 18.1.169
Services, personal	P	Sec. 9.3.19	Sec. 18.1.168
Telecommunications Facility: Antenna	P	Sec. 9.3.26.A	Sec. 18.1.7
Theater, indoor	P		Sec. 18.1.189
Industrial/Manufacturing			
Manufacturing and assembly	S		Sec. 18.1.104
Research and development	P	Sec. 9.3.22	Sec. 18.1.157
Warehouse, accessory	P		Sec. 18.1.199
Institutional and Community Service Uses			
Fire and/or rescue facility	P		Sec. 18.1.64
College or University	P		Sec. 18.1.64
Library	P		Sec. 18.1.89
Park, public	P		
Place of worship	S		Sec. 18.1.141
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
U.S. Postal Service, limited to retail uses only	P		Sec. 18.1.146
Residential Uses (only permitted by rezoning)			
Assisted Living Residence	R		Sec. 18.1.12
Multiple-family	R		Sec. 18.1.110
Single-family attached (townhouse)	R		Sec. 18.1.172
Single-family attached (2 over 2)	R		Sec. 18.1.172.1
Utility Uses			
Public utility, minor	S	Sec. 9.3.31	Sec. 18.1.154

[1] Not permitted as a free-standing building.

[2] A Stand-alone building requires approval by special exception.

7.10.9.E.2 Density/Intensity and Dimensional Standards

All development in the CD-MUO District shall be subject to the following standards:

Table 7.10.9.E.2 - CD-MUO District Standards	
A. Minimum Lot Area (square feet)	
All Development	None
B. Minimum Lot Width (feet)	
All Development	None
C. Maximum Density	
Residential (units per acre)	
Rezoning	24 [1]
Nonresidential (FAR)	
None	
D. Minimum Yards/Setbacks (feet)	
Required Build-to-Line	See Sec. 7.10.4.C.1
Side	None [2]
Rear	25' [2]
Parking Setback	See Sec. 7.10.4.C.1
E. Maximum Building Height (feet)	
By-Right	3 Stories (46') or 4 Stories (58') – see Building Height Map
Rezoning	4 Stories (58')

[1] Town Council may approve a higher maximum density as part of a rezoning approval.

[2] See Sec. 7.10.8.F Increased Setback Adjacent to Residential District.

7.10.9.F CD-I, Crescent Design – Institutional

7.10.9.F.1 Use Regulations

The following uses are permitted in the CD-I District as indicated in the table:

Table 7.10.9.F.1 CD-I Institutional			
Use		Use Standards	Definition
Commercial Uses			
Arts center	P		Sec. 18.1.11
Institutional and Community Service Uses			
Fire and/or rescue facility	P		Sec. 18.1.64
Government Buildings	P		
Museum	P		Sec. 18.1.111
Park, public	P		
Parking structure, public	P		Sec. 18.1.135
Place of worship	S		Sec. 18.1.141
School, public	p		Sec. 18.1.163
School, technical	S	Sec. 9.3.23.1	Sec. 18.1.165
U.S. Postal Service	S		Sec. 18.1.146

7.10.9.F.2 Density/Intensity and Dimensional Standards

All development in the CD-I District shall be subject to the following standards:

Table 7.10.9.F.2 - CD-I District Standards	
A. Minimum Lot Area (square feet)	
All Development	None
B. Minimum Lot Width (feet)	
All Development	None
C. Maximum Density	
Residential (units per acre)	
Residential use not permitted	
Nonresidential (FAR)	
None	
D. Minimum Yards/Setbacks (feet)	
Required Build-to-Line	See Sec. 7.10.4.C.1
Side	None [1]
Rear	25' [1]
Parking Setback	See Sec. 7.10.4.C.1
E. Maximum Building Height (feet)	
By-Right	3 Stories (46')
Rezoning	5 Stories (70')

[1] See Sec. 7.10.8.F Increased Setback Adjacent to Residential District.

7.10.9.G CD-OS, Crescent Design – Open Space

7.10.9.G.1 Use Regulations

The following uses are permitted in the CD-OS District as indicated in the table:

Table 7.10.9.G.1 CD-OS Open Space			
Use		Use Standards	Definition
Commercial Uses			
Telecommunications Facility: Monopole	S	Sec. 9.3.26.B	Sec. 18.1.108
Telecommunications Facility: Transmission Tower	S	Sec. 9.3.26.C	Sec. 18.1.192
Institutional and Community Service Uses			
Government buildings	P		
Museum	P		Sec. 18.1.111
Park, public	P		
Parking structure	P		Sec. 18.1.135
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156

7.10.9.G.2 Density/Intensity and Dimensional Standards

All development in the CD-OS District shall be subject to the following standards:

Table 7.10.9.G.2 - CD-OS District Standards	
A. Minimum Lot Area (square feet)	
All Development	None
B. Minimum Lot Width (feet)	
All Development	None
C. Maximum Density	
Residential (units per acre)	
Residential use not permitted	
Nonresidential (FAR)	
None	
D. Minimum Yards/Setbacks (feet)	
Required Build-to-Line	None (See Sec. 7.10.4.B)
Side	None [1]
Rear	None [1]
Parking Setback	See Sec. 7.10.4.C.1
E. Maximum Building Height (feet)	
By-Right	3 Stories (46')
Rezoning	3 Stories (46')

[1] See Sec. 7.10.8.F Increased Setback Adjacent to Residential District.

7.10.9.H CD-CC, Crescent Design – Commercial Corridor

7.10.9.H.1 Use Regulations

The following uses are permitted in the CD-CC District as indicated in the table:

Table 7.10.9.H.1 CD-CC Uses			
Use		Use Standards	Definition
Commercial Uses			
Bank with drive-in facility	S		Sec. 18.1.14
Bank without drive-in facility	P		Sec. 18.1.14
Brewpub	P	Sec.9.3.2.1	Sec. 18.1.20.1
Brewpub with Silo	S	Sec. 9.3.2.1	Sec. 18.1.20.1
Car wash	S	Sec. 9.3.3	Sec. 18.1.27
Child care center [2]	P	Sec. 9.3.4	Sec. 18.1.29
Commercial Inn	P		Sec. 18.1.86
Conference center	S		Sec. 18.1.37
Convenience food store [1]	P	Sec. 9.3.8	Sec. 18.1.39
Eating establishment with drive-in facility	S		Sec. 18.1.55
Eating establishment without drive-in facility	P		Sec. 18.1.55
Home occupation	P[4]		Sec. 18.1.80
Hotel/motel	S		Sec. 18.1.83

Table 7.10.9.H.1 CD-CC Uses			
Use		Use Standards	Definition
Mailing Services	P		Sec. 18.1.102
Office	P		Sec. 18.1.121
Outdoor storage area	S		Sec. 18.1.127
Parking structure	P		Sec. 18.1.135
Pharmacy	P		Sec. 18.1.140
Printing and/or publication	P		Sec. 18.1.148
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
Retail	P		Sec. 18.1.159
School, special instruction	P	Sec. 9.3.23	Sec. 18.1.164
Service station	S	Sec. 9.3.24	Sec. 18.1.169
Services, personal	P	Sec. 9.3.19	Sec. 18.1.168
Telecommunications Facility: Antenna	P	Sec. 9.3.26.A	Sec. 18.1.7
Theater, indoor	P		Sec. 18.1.189
Vehicle and/or equipment service facility [3]	S	Sec. 9.3.29	Sec. 18.1.197
Vehicle sales and/or rental facility [3]	S	Sec. 9.3.28	Sec. 18.1.196
Veterinary hospital	S	Sec. 9.3.30	Sec. 18.1.198
Industrial/Manufacturing			
Research and development	S	Sec. 9.3.22	Sec. 18.1.156
Institutional and Community Service Uses			
College or University	P		Sec. 18.1.33
Fire and/or rescue facility[3]	P		Sec. 18.1.64
Library	P		Sec. 18.1.89
Park, public	P		
Place of worship	S		Sec. 18.1.141
Recreation facility	P	Sec. 9.3.21	Sec. 18.1.156
School, technical	P	Sec. 9.3.23.1	Sec. 18.1.65
U.S. Postal Service, limited to retail uses only	P		Sec. 18.1.146
Residential Uses(only permitted through rezoning)			
Multiple-family	R		Sec. 18.1.110
Utility Uses			
Public utility, minor	S	Sec. 9.3.31	Sec. 18.1.154

[1] Not permitted as a free-standing building.

[2] A stand-alone building requires approval by special exception.

[3] For existing uses only. New land area may not be developed for this use.

[4] Permitted after rezoning for residential use.

7.10.9.H.2 Density/Intensity and Dimensional Standards

All development in the CD-CC District shall be subject to the following standards:

Table 7.10.9.H.2 – CD-CC District Standards	
A. Minimum Lot Area (square feet)	
All Development	None
B. Minimum Lot Width (feet)	
All Development	None
C. Maximum Density	
Residential (units per acre)	
Rezoning	24 [1] [2]
Nonresidential (FAR)	
None	
D. Minimum Yards/Setbacks (feet)	
Required Build-to-Line	See Sec. 7.10.4.C.1
Side	None [3]
Rear	None except 25' if adjacent to a residential district [3]
Parking Setback	See Secs. 7.10.4.C.1 & 7.10.5.2
E. Maximum Building Height (feet)	
By-Right [4]	5 Stories (70')
Rezoning	5 Stories (70')

[1] Town Council shall set density as part of a rezoning approval.

[2] Dwelling units shall average a minimum of 800 square feet.

[3] See Sec. 7.10.8.5 Increased Setback Adjacent to Residential District

[4] Nonresidential uses only; residential uses not permitted by-right.

7.10.9.H.3 CD-CC Boundary

A. Boundary Determined. The boundary of the CD-CC shall be determined as described below.

- 1. Catoctin Circle.** The boundary of the CD-CC along Catoctin Circle shall be defined by offsetting from the surveyed centerline of the street 300 feet from the intersection of Catoctin Circle and South King Street extending north and east to the intersection of Catoctin Circle and East Market Street, and as conceptually depicted on the Official Zoning Map. The boundary edges at the intersecting streets shall form intersecting corners.
- 2. East Market Street.** The boundary of the CD-CC along East Market Street shall be defined by offsetting from the surveyed centerline of the street 300 feet from the intersection of East Market Street and Catoctin Circle extending east to the boundary of the Crescent Design District, and as conceptually depicted on the Official Zoning Map. The boundary edges at the intersecting streets shall form intersecting corners.

B. Information on Rezoning Plat. Per Sec. 3.3.6 Submittal Requirements, the Rezoning Plat submitted as part of a rezoning request shall depict the surveyed centerline of the street and dimension the 300 feet setback to establish the boundary of the CD-CC District.

7.10.9.H.4 Performance Standards. The following additional standards shall apply in the CD-CC District.

- A. Building Height.** For buildings that cross the CD-CC District boundaries, only that area of the building lying within the CD-CC District boundary shall be permitted the maximum permitted building height.
- B. Residential Parking.** At least fifty percent (50%) of the required parking for residential units shall be hidden from plain sight; i.e. covered by a cantilevered portion of the building or located within a structured parking facility.

7.10.10 Rezoning Approval Criteria

- A. Approval Criteria for Increased Density and/or Height.** When considering a rezoning request to increase the number of stories or the residential density of a proposed project the Planning Commission and the Town Council shall use the following criteria, in addition to the criteria set forth in Section 3.3.15 Approval Criteria and other reasonable considerations, in making their decision regarding approval or disapproval of a rezoning application.

- 1. General Criteria: Additional Development (Public) Benefits.** Residential density and height shall not exceed the base density and stories allowed unless the Town Council finds that the proposed development offers “additional development benefits”. If the Town Council finds that additional development (public) benefits will be provided, additional density and stories may be approved by the Town Council. In order to approve the additional density or height, the Town Council, in its sole discretion, must find that the proposal offers additional development benefits to the public health, safety and welfare to offset the requested height and density by providing three (3) or more of the following additional development benefits:
 - a. Innovative Design.** A substantial contribution to the character of the Town. Examples of innovative design include: significant provision of open space and landscaping, superior use of building materials and design, and provision of public art.
 - b. Public Facilities.** A net positive impact on the availability of public facilities and services to the Town.
 - c. Historic Preservation.** Appropriate use of a Town Plan designated historic structure or site.
 - d. Mixed-Use.** The provision of employment opportunities in close proximity to or in the same buildings as residential uses. Also, guarantees that development of nonresidential portions will occur prior to or concurrently with residential portions.
 - e. Parking Structure.** A multi-level parking structure or underground parking is provided, with parking available to the public.
 - f. Environmentally Advanced Design.** Leadership in Energy and Environmental Design (LEED) building or neighborhood design, accredited based upon the rating system of the United States Green Building Council, with a silver or higher rating.

- g. Publicly Accessible Open Space.** Buildings are located on a site where more than ten percent (10%) of the site is provided as public open space. The open space shall be improved as a plaza or park with landscaping, pedestrian pathways and other appropriate amenities. The open space may be privately owned as part of a development; provided an association or other mechanism is established for the long term maintenance of the open space. Nothing in this section precludes the creation of open space on any lot throughout the CD District.
 - h. Transportation Amenities.** Provision of amenities that facilitate the use of alternative means of transportation, such as bus shelters, or that facilitate the efficient transmission of vehicular traffic.
- 2. Specific Criteria: Performance Standards.** The CD District is intended to promote a mixture of commercial and residential uses. In certain sub-districts where only residential uses are allowed, a mixture of unit types and sizes is the goal. Therefore, in addition to the general criteria listed above, rezoning requests shall comply with the following performance standards:
- a. Mix of Uses Required.** Any rezoning plan in the CD-C, CD-MUO and CD-CC sub-districts that contains residential uses shall include a minimum of forty percent (40%) of the proposed building Gross Floor Area (GFA) area of the development to be devoted to nonresidential uses.
 - b. Mix of Residential Unit Size.** For any development proposing more than twelve (12) dwelling units per acre in the CD-RM, CD-RH, CD-MUR, CD-C, CD-MUO and CD-CC sub-districts the applicant shall provide a mix of unit sizes. That is, units shall be made of any combination of one, two or three or more bedroom units.
 - c. Mix of Residential Unit Type.** For any development comprised of more than five (5) acres in the CD-RM, CD-RH, CD-MUR and CD-MUO sub-districts there shall be a mix of the unit types allowed in the district. That is, where districts allow two or more different types of units, such as multi-family, single-family attached or 2-Over-2 (townhouse) units, the development shall contain a minimum of twenty percent (20%) of at least two (2) unit types. Thus, a development with MF, SFA and 2-Over-2 units could propose 20% 2-Over-2s and 80% townhouses to comply with the standard minimum. A greater percentage mix of units could be considered as a justification for a density bonus.
 - d. Ground Floor Use Requirement on Public Streets.** In the CD-MUR, CD-MUO and CD-CC sub-districts where buildings proposed as part of a rezoning request have frontage on existing or planned public streets, at least fifty percent (50%) of the ground floor area of such buildings must be designed for and devoted to nonresidential uses. This percentage may be averaged, so that if two buildings have equal frontage, the ground floor of one building may be 100% devoted to nonresidential uses and the other may be 100% devoted to residential uses.

- e. **Increased Useable Open Space.** For any development proposing more than twelve (12) dwelling units per acre in the CD-RM (if no single-family detached units), CD-RH, CD-MUR, CD-C, CD-MUO and CD-CC sub-districts the applicant shall provide at least ten percent (10%) of the site as useable open space as defined in Sec. 7.10.5.G.
- f. **Modification by Town Council.** The Town Council shall be authorized to modify any and all of these performance standards if it determines that (1) The proposed development will contribute to the intended mixed use character of the area within 1,000 feet of the subject site considering existing and approved development in the area; and (2) Commitments proffered by the applicant justify a decrease in the percentage of nonresidential uses.

7.10.11 Streetscape Requirements

- A. **Streets.** Streets, including associated streetscape improvements, in the CD District shall be provided according to the following requirements.
 - 1. **Street Locations.** Street locations shall be guided by the locations shown on the Crescent District Future Streets Policy Map in the Town Plan.
 - 2. **Street Types.** The street shall be in accordance with the applicable street cross sections shown in the accompanying drawings. Cross sections are typical midblock sections and may vary in width and lane configuration at intersections based upon Town engineering standards. The location of street improvements within the CD District shall be measured from the center line, as specified in Sec. 7.10.4.C.1 Required Build-to Line and Parking Setback. Cross sections are provided for the following streets:
 - a. **Urban Boulevards.** This designation includes the extension of Davis Avenue, E. Market Street and Catoctin Circle. The cross section for E. Market Street within the CD District extends only from the southern curb line to the outside edge of the sidewalk. The location of the curb line and edge of sidewalk shall be measured from the center line, as specified in Sec. 7.10.4.C.1 Required Build-to Line and Parking Setback. See the illustration below. As an option, the Urban Boulevard may include a median in place of the turn lane subject to special conditions, including sufficient demonstration of adequate ingress and egress and compliance with Town and VDOT traffic engineering standards.
 - b. **General Streets.** See the illustration below for the typical cross section.
 - i. The cross section for Harrison Street within the CD District extends only from the eastern curb line to the outside edge of the sidewalk north of the W&OD trail and from the western edge of the right-of-way below the W&OD trail.
 - c. **Residential Streets/Optional Streets.** This is the cross section for streets providing a Residential Frontage. See the illustration below for the typical cross section. In the alternative, this cross section may be

used for “Optional Streets”, which are additional streets proposed within a development that are not shown on the Crescent District Future Streets Policy Map. See Sec. 7.10.11.A.3 below. These streets may be publicly or privately maintained but in either case they must be built to the required standard. There are two options – one for parking on just one side of the street and one for parking on both sides of the street. The option is limited in that the option chosen must be consistent along an entire street.

3. Streets not Shown on Crescent Design District Future Streets Policy Map.

At the discretion of property owners, additional streets that are not shown on the Town Plan Crescent District Future Streets Policy Map may be provided for additional automobile and pedestrian circulation and developable block frontage. Such streets shall comply with the cross section requirements for Residential Streets at a minimum. They may be either public streets or may be privately maintained.

4. Adjustments to Street Cross Sections.

a. Transition to Existing Streets outside the CD District. The Zoning Administrator may modify cross sections when transitions occur at the boundary of the CD District where streets within the CD District serve as extensions of existing streets outside of the District in order to create a safe transition to the existing street’s cross section.

b. Streets within the CD District. The Zoning Administrator may modify cross sections of streets within the CD District under the following circumstances:

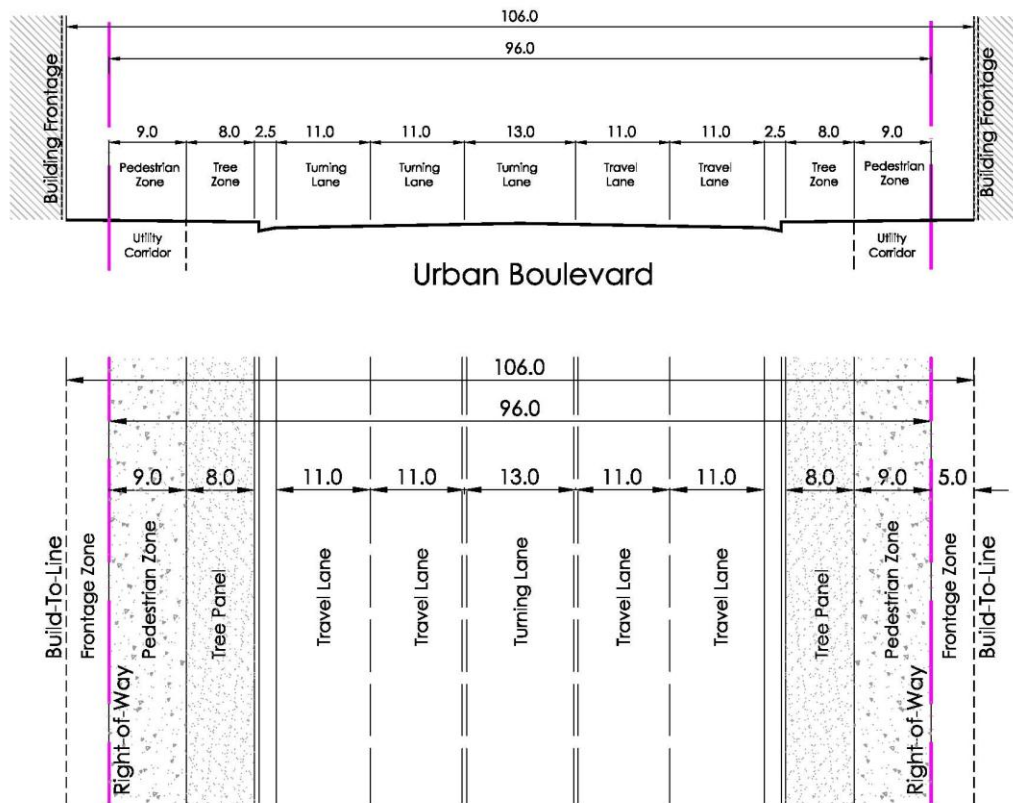
- i. To facilitate adequate vehicular turning movements.
- ii. To facilitate superior building design.
- iii. To enhance the pedestrian environment.
- vi. To alleviate a significant engineering constraint.

5. Responsibilities for Street Improvements.

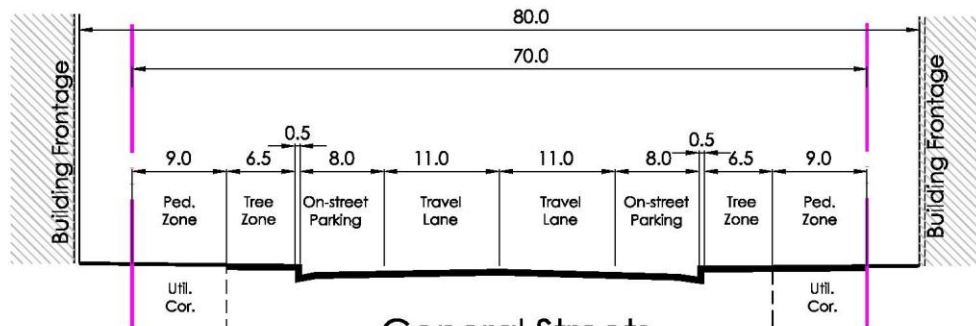
a. On-Site. For a street whose full width is on the site of any new development or redevelopment meeting the conditions of Sections 7.10.2.G. Applicability and I. Nonconformities, the developer shall construct the street. Construction of the streets may be phased with development of the site, provided that the phases result in functional segments of the streets that are open to traffic as determined by the Town.

b. Other. For an existing public street fronting any development or redevelopment meeting the conditions of Sections 7.10.2.G. Applicability and I. Nonconformities, the developer shall complete a half-section of the ultimate road configuration with appropriate transitions.

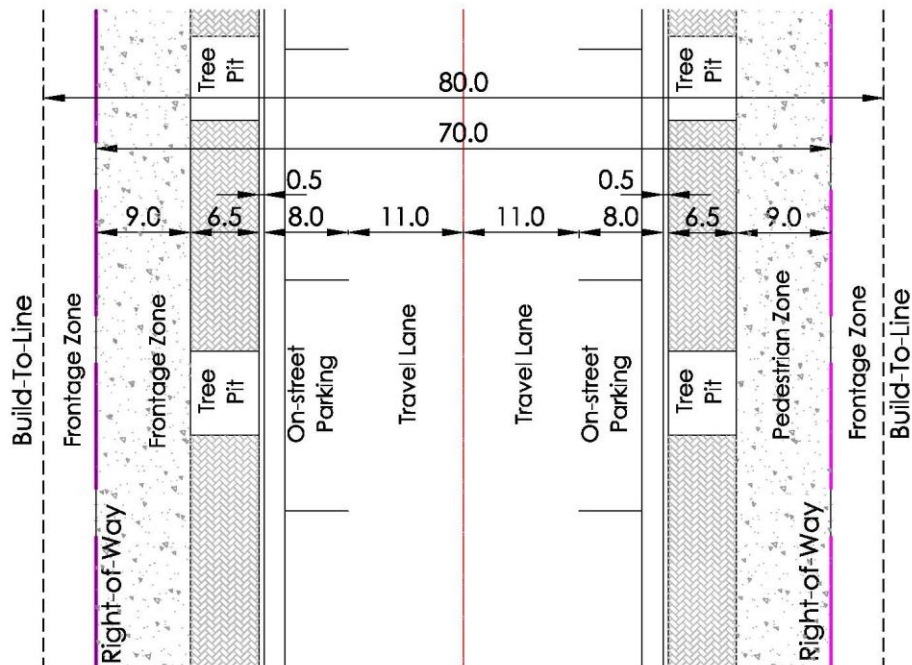
Urban Boulevards



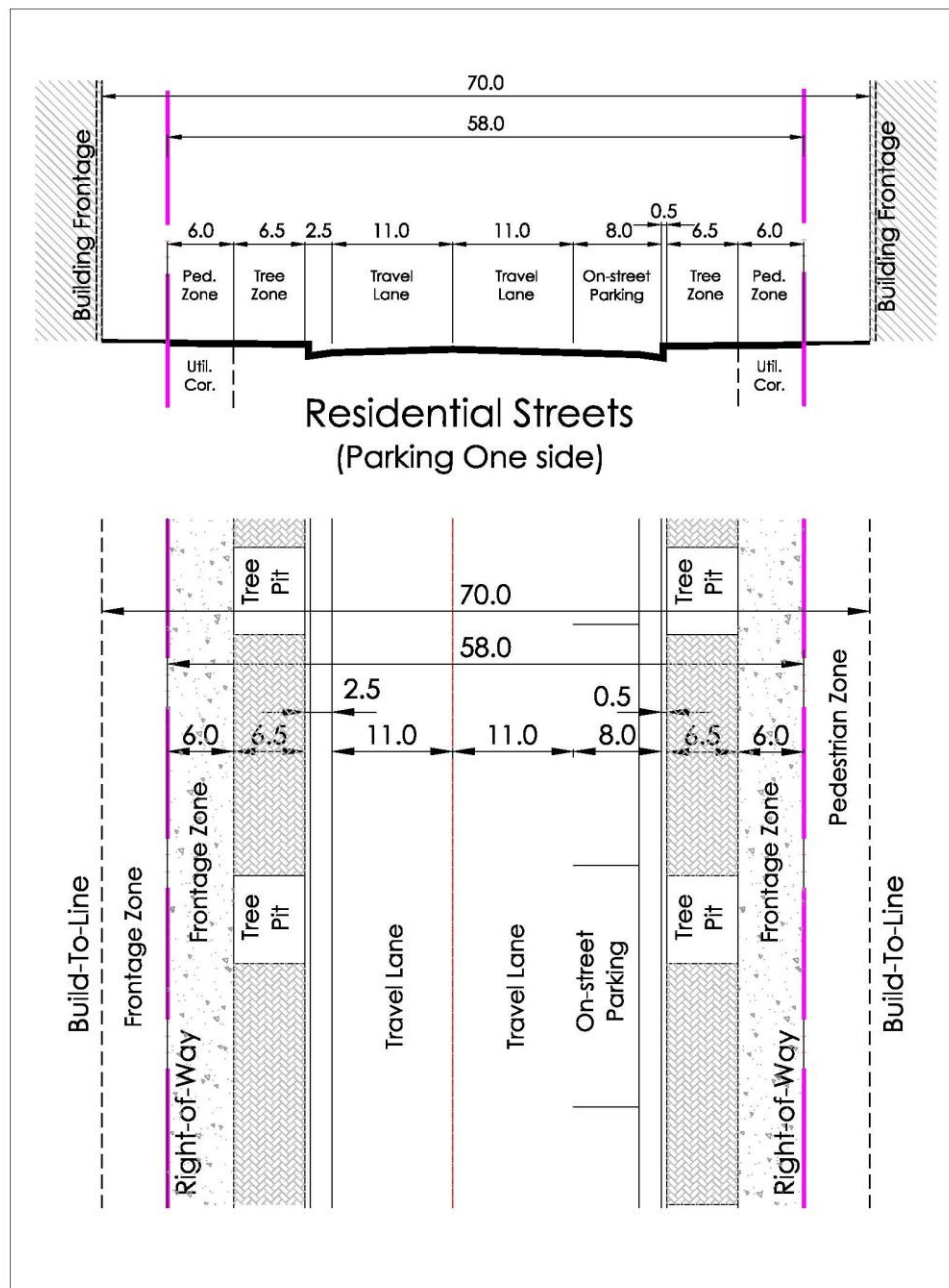
General Streets



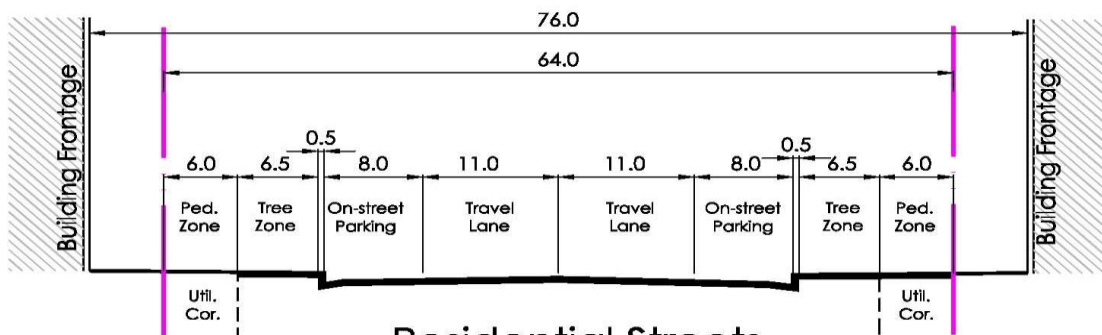
General Streets (Parking Both sides)



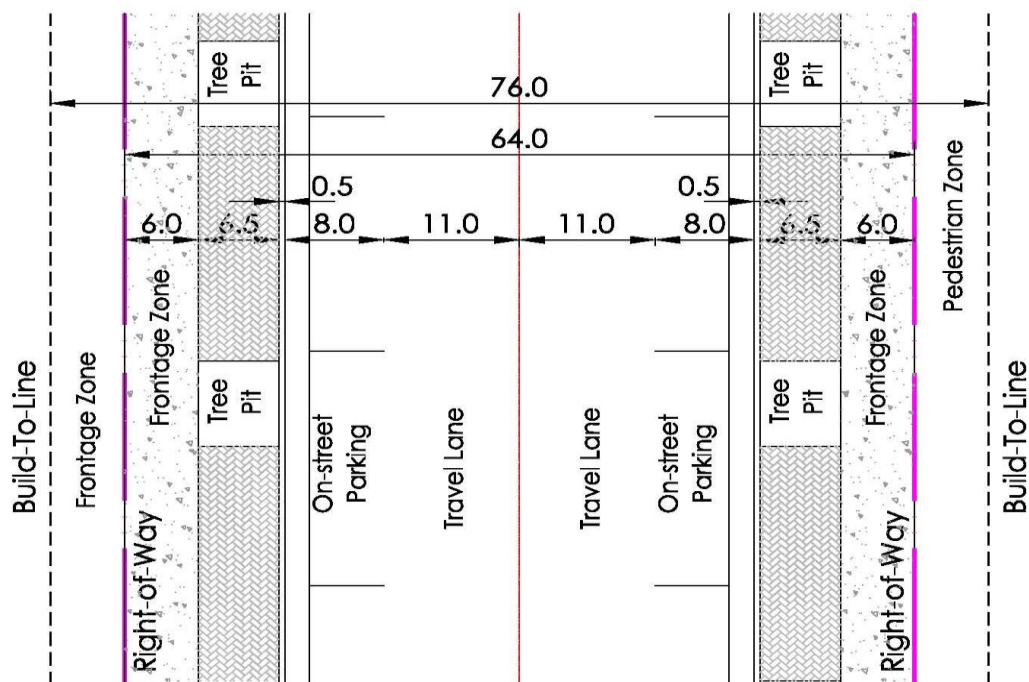
Residential /Optional Streets Parking on One Side



Residential /Optional Streets Parking on Two Sides

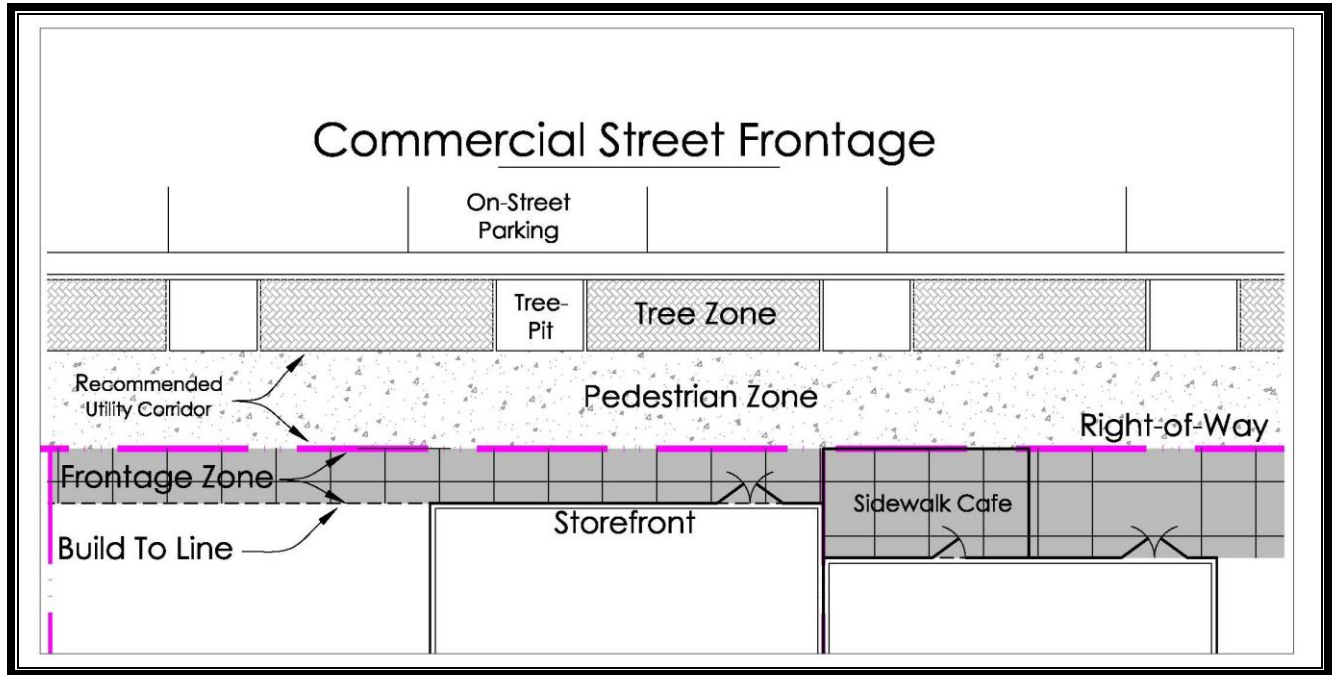


Residential Streets
(Parking Both sides)



B. Traffic Calming. At the discretion of the Land Development Official the parking lanes indicated on the street cross sections may have curb bump-outs at crosswalks and intermediate points along blocks to provide for traffic calming, enhance pedestrian safety and provide additional space for landscaping. Other Virginia Department Of Transportation (VDOT) approved traffic calming features, such as but not limited to speed tables and raised crosswalks may be provided when determined to be acceptable by the Zoning Administrator and so long as they meet VDOT standards.

C. Sidewalks.



Streetscape Layout

- 1. Basic Requirements.** Sidewalks shall meet the dimensional requirements indicated for the street cross sections and shall be constructed to meet the Design and Construction Standards Manual and this Zoning Ordinance.
 - 2. Continuous.** Sidewalks shall be continuous across driveways and alleys.
 - 3. Uses in Frontage Zone.** Sidewalk cafés and temporary sidewalk sales shall be permitted along E. Market Street, Catoctin Circle, and General Streets, in the frontage zone (the area between the Required Build-to Line and the right-of-way).
- D. Street Trees.** One medium or large canopy street tree shall be provided for every forty feet (40'), or one understory tree shall be provided for every fifteen feet (15') where conditions do not favor a canopy tree, of lot frontage in the tree zone between the sidewalk and street curb. The tree zone, as shown on the street cross sections (see also the DCSM) may be grass or sidewalks with planting beds or grates over continuous tree-root trenches as determined acceptable by the Zoning Administrator. Street trees shall comply with the

sight distance standards of the Design and Construction Standards Manual except that locations may be modified by the Zoning Administrator due to engineering and sight distance constraints.

- E. Street Lights.** Except for E. Market Street, Davis Avenue and Catoctin Circle, Pedestrian-scale street lighting meeting the Town of Leesburg specifications shall be installed within the tree zone between the street and sidewalk. Street light poles shall be no taller than fourteen feet (14') including the base.
- F. Street Furniture.** Benches and trash receptacles when provided shall be located within the tree zone of sidewalks and in park and plaza areas in accordance with Town Code standards.
- G. Street Access.** Individual driveways, shared driveways, commercial entrances or alleys may provide vehicular access from streets to lots. All new access, reconstruction of existing access or redevelopment of a site shall comply with the following:

- 1. Driveways.** Driveways for vehicular access shall be limited as follows.

Street Type	Maximum Permitted Driveway Access
E. Market & Catoctin Circle (western side)	1 vehicular access per block
Catoctin Circle (eastern side)	1 vehicular access per 400 feet of frontage
General Urban	1 vehicular access per 200 feet of frontage
Residential Street/Optional Street	1 vehicular access per single family detached building 2 vehicular accesses per lot containing more than 1 dwelling unit

- 2. Spacing.** All driveways shall be adequately spaced from street intersections in accordance with DCSM specifications.
- 3. Alignment.** For lots containing buildings other than single-family detached and two-family dwellings, driveways shall either be aligned with driveways on the opposite side of the street or sufficiently offset to avoid conflicting turning movements and shall meet DCSM requirements.
- 4. Location.** A driveway may be located within the corridor of a future street that is shown on the Town Plan Crescent District Future Streets Policy Map, provided shared access easements are granted to adjacent properties and the site plan allows the ultimate extension of the future street as shown on the Town Plan Crescent District Future Streets Policy Map.
- 5. Temporary Driveway.** Where the above access requirements cannot be met at the time of an individual property's development, a temporary driveway may be installed such that the site is configured to provide for future shared access with one or more adjoining sites. An agreement shall be provided to the Town stating that when the adjacent site(s) is developed, the shared access shall be installed, the temporary driveway shall be removed and the right-of-way restored in accordance with the streetscape

requirements of this section. The property owner shall be responsible for the costs associated with his share of the shared access, removal of the temporary driveway and restoration of the streetscape.

- H. Alleys.** Alleys and private travelways are permitted in accordance with the design standards of the Design and Construction Standards Manual (DCSM) and Zoning Ordinance Article 11 Parking, Loading and Pedestrian Access.
- I. Transportation Impact Analyses.** Transportation impact analyses shall be required for development within the CD District as follows:
 - 1. By-Right Applications (Site Plans and Subdivisions).** A modified traffic impact analysis shall be required in the CD District in accordance with Sec. 7-111 Preparation of Traffic Studies of the Design and Construction Standards Manual (DCSM).
 - 2. Legislative Applications (Special Exceptions and Rezonings).** A traffic impact analysis shall be required and shall comply with the same standards that apply to rezoning and special exception applications located outside of the CD District.
 - 3. Preparation/Other Modes of Transit.** Where required by 24VAC30-155, traffic impact analyses shall be prepared in accordance with state regulations and administrative guidelines. Transportation impact studies shall consider other modes such as transit, bicycles and pedestrians.
- J. Utilities.** Public utilities for stormwater, sanitary sewer and water may be located in the street right-of-way, rear alleys or in easements on the site. Other utilities, such as electricity, natural gas and telecommunication, shall be located in easements between the Required Build-to Line and the street right-of-way, within alleys or in easements along the rear of the lot and shall not interfere with the public street trees. The Town engineer may approve alternative locations for utilities. All new or relocated overhead utility lines shall be installed underground.

7.10.12 Modifications

- A. Administrative Modifications.** The following modifications to the regulations of this section may be approved by the Zoning Administrator:
 - 1. RBTL Adjustment.** The Required Build-to Line may be adjusted back by no more than 5 feet from that which is shown on the cross-sections contained in Sec. 7.10.11.A. This adjustment may be allowed to accommodate utility easements, allow for intersection sight distance, break-up large buildings with variable building lines, maintain consistency with adjacent building lines or to provide for patios, stoops, steps and outdoor dining or open space areas additional sidewalk space in front of the building.
- B. Modifications Requiring Planning Commission or Town Council Approval.** Modifications to the design requirements of Secs. 7.10.5 Site Requirements, 7.10.6 Building Type Specifications, and 7.10.7 Building Materials and Other Requirements, which include landscaping, parking and loading, and architectural standards may be approved by the Planning Commission, or in

the case of a modification requested as part of a special exception or rezoning, by the Town Council, except where such authority is expressly given to the Zoning Administrator or the Land Development Official in those sections.

- 1. Submission Requirements.** A modification shall require an application that includes the following information:
 - a. Written Statement.** A written statement that clearly indicates by section and paragraph the modification that is requested and also includes a narrative justification for the modification. An architectural modification request shall include appropriate building elevations.
 - b. Plan/Front Elevation.** A site plan and a front elevation drawing of the proposed building superimposed on a color drawing or photograph of the entire block showing the relationship of the proposed building to other buildings along the block.
 - c. Additional Information.** Additional information as may be required by the Land Development Official to provide a comprehensive application given the nature and extent of the modification requested.
- 2. Approval Criteria.** The application shall be reviewed by the Planning Commission or Town Council based upon the following criteria:
 - a. Architectural Character.** The design of the building shall be in keeping with the architectural character of the Old and Historic District and the desired character of the CD District, as articulated in the Town Plan and the Crescent District Master Plan. Buildings closer to the Old and Historic District (that is, between the Old and Historic District and Catoctin Circle) should reflect the historic architectural character of the Old and Historic District (that is, fronting on and outside of Catoctin Circle). More flexibility should be allowed in architectural character and design for buildings farther away from the Old and Historic District. This shall not prevent innovation and creativity in design that is in keeping with the Crescent District Master Plan, as determined by the Planning Commission.
 - b. Orientation.** The building shall be oriented toward the front sidewalk, have a functioning entrance and enhance the continuity of the pedestrian oriented environment. A modification shall not result in increasing the dominance of vehicular parking or garage doors along the front of the building.
 - c. Roof Design.** The design of the roof shall be compatible with character of other buildings along the block and shall meet district height requirements.
 - d. Materials.** The exterior finish materials shall be of equal or better quality, in terms of durability and appearance/texture similar to brick, stone, or wood, as those permitted in the district. The intent is to accommodate new technologies and building material while maintaining the desired character of Leesburg, as defined in paragraph 1, above.
 - e. Windows.** Ground floor windows shall be provided along the front sidewalk to maintain the pedestrian-orientation of the streetscape and

upper story windows and shall not be incompatible with the rhythm and proportions of windows on other buildings along the block.

- f. **Not to be Considered.** Economic hardship will not be considered a reason for varying from any standard established in Sec. 7.10 Crescent Design (CD) District.
- g. **Purpose.** The modification will not be contrary to the purpose and intent of Sec. 7.10 Crescent Design (CD) District.
- h. **Consistency with Town Plans.** The modification is consistent with the Comprehensive Plan and any Town adopted plans.
- i. **Compensating Features.** The modification includes compensating design or architectural features that meet the overall objectives of the particular requirement that is being modified.
- j. **Conditions.** In approving a modification the Planning Commission or Town Council may impose such conditions regarding location, character and other features as it deems necessary for the protection of the general welfare and to ensure compliance with the intent and objectives of the Crescent Design District.
- k. **Use of Adjacent Properties.** The modification will not hinder or discourage the appropriate development and use of adjacent or nearby land or buildings.

3. Process and Action.

- a. **By-Right.** Once the application has been determined to be complete by the Land Development Official, the application and accompanying maps, plans or other information shall be transmitted to the Planning Commission for consideration and action after the issuance of the first submission comment letter. The Planning Commission shall render a final decision upon any modification properly before it within a reasonable amount of time under the circumstances.
- b. **Special Exception or Rezoning.** In the case of a modification requested as part of a special exception or rezoning, the application shall be processed with and shall track simultaneously with the special exception or rezoning request. The Town Council shall render a decision at the time of its action on the underlying rezoning.

- 4. Written Determination.** The Planning Commission or Town Council shall set forth in writing the reasons for its determination.

7.10.13 Definitions

The following definitions shall apply to the terms used in the CD District. Definitions contained in Article 18 shall also apply, except as modified herein.

- A. Average Exterior Sidewalk Elevation.** The median elevation of the sidewalk between its lowest point and highest point along that portion of the frontage of the lot where the Required Build-to Line is occupied by a building.

- B. Blank Wall.** A wall that is constructed of solid material without windows or doors.
- C. Building Height Map.** A map that illustrates that maximum allowable height of buildings in terms of feet and stories.
- D. Civic/Institutional Building.** A building type used by a government agency, school, place of worship, recreational use open to the public, including town, state and federal buildings, museums, libraries, elementary, secondary, and high schools, colleges, and universities, places of worship, meeting halls, police and fire stations, post offices, cultural, visual, and performing art centers and transit centers.
- E. Crescent Design District Map.** A map that is the coding key for the various use areas and where they are located in the Crescent Design District.
- F. Expansion of an Existing Building.** Additions to existing buildings where the framework of the existing structure remains.
- G. Frontage Type.** The classification for the building type standards, dimensional requirements and use of a site based upon the street that the lot fronts on.
- H. General Urban Building.** A building type that contains non-residential/commercial uses or a mixed use building with residential uses above the non-residential/commercial uses on the first floor.
- I. Height Areas.** A geographic area wherein buildings are limited to a maximum height, as shown on the Building Height Map.
- J. Leadership in Energy and Environmental Design (LEED).** An accreditation system for buildings and neighborhood design, based upon the rating system of the United States Green Building Council.
- K. Mixed-Use Building.** A building that contains some combination of non-residential and residential uses, such as a building with a non-residential use on the first floor and residential units above the first floor or live-work units. A building that contains a mixture of only non-residential uses shall be considered a “non-residential building.”
- L. Modifications.** A deviation from the regulations of the CD District where the authority is specifically provided to the Zoning Administrator, the Town Council or the Planning Commission. A modification shall not be considered a variance. Any deviations not specifically provided for shall not be allowed, but shall instead require a variance from the Board of Zoning Appeals.
- M. Multiple-Family Building.** Buildings containing 3 or more dwelling units that are accessed from common entrances and hallways where there are dwelling units on the first story. Buildings with all multiple family units located above the first story in mixed-use buildings shall be considered general urban buildings. Buildings with all dwelling units above the first floor and only common lobby/community space on the first floor shall also be considered general urban buildings.
- N. New Development or Redevelopment.** Construction of new principal buildings on a vacant site or a site where existing buildings are to be demolished.

- O. Non-Residential Building.** A building that does not contain residential dwelling units.
- P. Parking Structure.** A structure for parking of vehicles with at least one level of parking is above or below the ground level.
- Q. Pedestrian Entrance.** A door that provides pedestrian access to the public sidewalk. For a business that is open to the public, the door must be a usable entrance during business hours.
- R. Primary Façade.** The façade of a building located on a corner lot that is facing the more pedestrian-traveled street.
- S. Required Build-to Line.** A line shown on the Street Cross Sections along a street, a set distance back from the street, along which a certain minimum percentage must be occupied by building.
- T. Residential Building.** Single-family detached, single-family attached (townhouse), duplex, multiple-family (not in a mixed-use building) and assisted living residence. Residential units in a building with non-residential uses and live work are considered “mixed-use buildings.”
- U. Secondary Façade.** The façade of a building located on a corner lot that is facing the lesser street. The primary façade is the other front façade, which is facing the more traveled street.
- V. Story.** The space in a building between floor levels, or between a floor and the roof above that could be used by people (for living, work, storage, recreation, etc.).
- W. Story Height.** The height from the finished floor of the story to the finished floor of the story above.
- X. Terminating View.** A location at the end of a roadway at a “T” intersection or at a jog or a curve in the road that is visible to a person traveling down the street.
- Y. Visible From the Street.** Any building wall that faces the street or a building wall that is perpendicular, or at an angle, to the street and can be seen by a pedestrian or motorist traveling along the block frontage. Visible from the street shall also include any accessory structures, parking, loading or storage areas that are not screened from the street by means of a minimum 6-foot tall wall.

7.10.14 Appendix – Crescent Design (CD) District Maps

SEC. 7.10 APPENDIX A CRESCENT DESIGN DISTRICT MAP

- Roads

Future Public Roads per Town Plan

Parcels
- Other Zoning Designations

Previously Approved Rezoning PRN
- Use Areas

Residential Medium

Residential High

Mixed Use Residential

Commercial

Mixed Use Optional

Institutional

Open Space/MUC Option

Open Space

Commercial Corridor

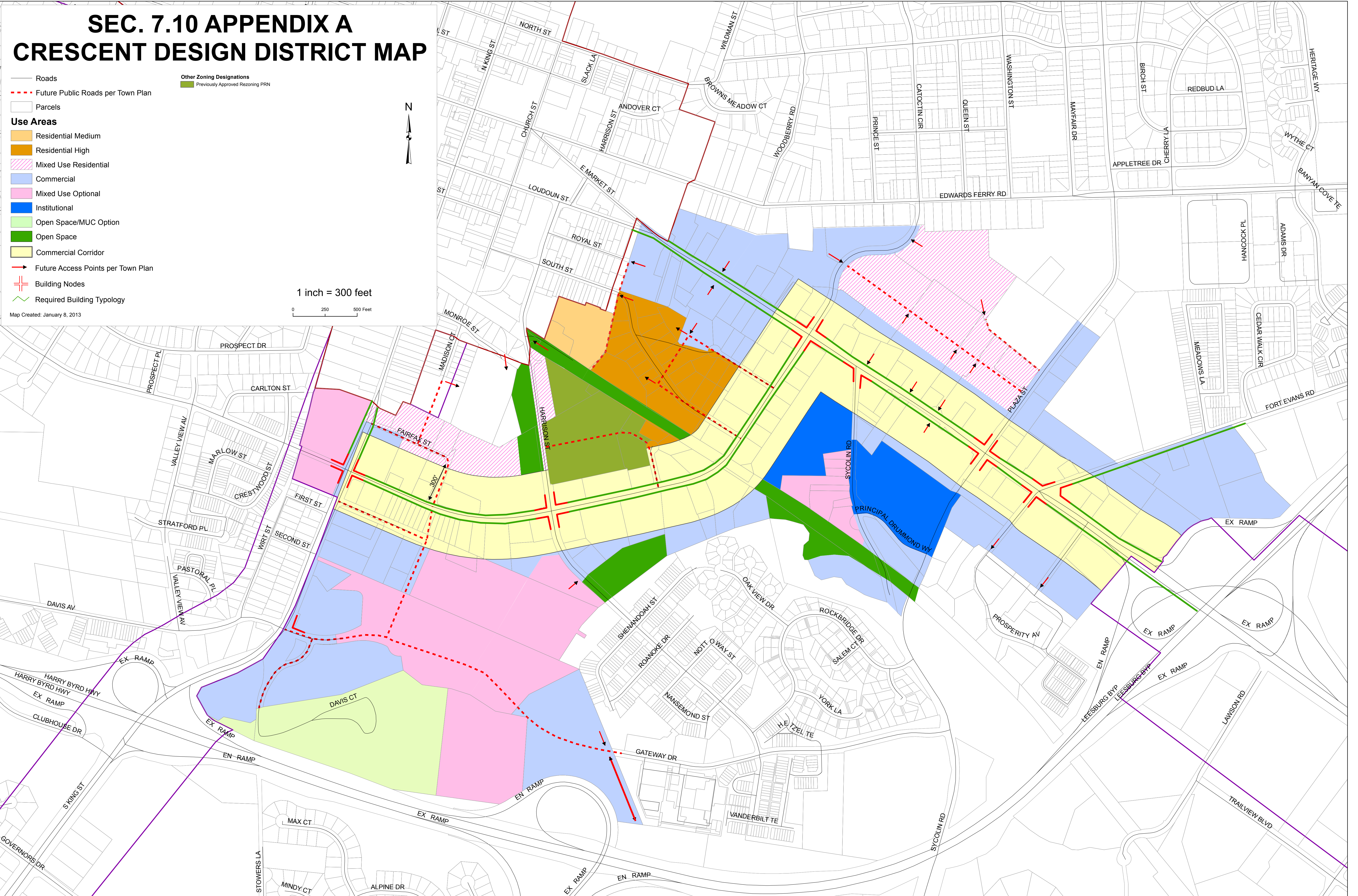
Future Access Points per Town Plan

Building Nodes

Required Building Typology

1 inch = 300 feet

0 250 500 Feet



SEC. 7.10 APPENDIX B
BUILDING HEIGHT MAP

- Roads
- - - Future Public Roads per Town Plan
- ▭ Parcels
- Height**
- 2/5: Two Stories By Right/Five Stories by Rezoning
 - 3/3: Three Stories By Right
 - 3/4: Three Stories By Right/Four Stories by Rezoning
 - 3/5: Three Stories By Right/Five Stories by Rezoning
 - 4/4: Four Stories By Right
 - Corridor 5/5 - 0/5 Nonresidential - Five Stories By Right
Mixed Use or Residential - 0 Stories By Right
Five Stories By Rezoning
- ⊕ Building Nodes - Three Story Minimum Required

Map Date: January 8, 2013

